

LIVINGSTON  
CITY COUNCIL MEETING  
January 5, 1998  
7:30 p.m.

The oath of office was given to the Council elect at 7:00 p.m. in the Community Room.

The Livingston City Council met in regular session Monday, January 5, 1998, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Fred Hall, Mike Doyle, Sheryl Dahl, Bill Spannring and Pat Mikesell.

Councilmember Bill Spannring nominated Mike Doyle for Mayor. Councilmember Fred Hall nominated Pat Mikesell for Mayor. Motion was made by Doyle, second by Hall to close nominations. Motion passed.

Motion was made by Doyle, second by Dahl, to vote by written ballot. Three in favor, Hall opposed. Motion passed.

Motion was made by Doyle, second by Mikesell, that Secretary Brown be allowed to count the ballots. Motion passed.

The written ballot vote for Mayor was three in favor of Doyle, two in favor of Mikesell. Mike Doyle is the new Mayor of Livingston.

Councilmember Pat Mikesell nominated Bill Spannring for Vice Mayor. Councilmember Bill Spannring nominated Sheryl Dahl for Vice Mayor. Motion was made by Hall, second by Dahl to close nominations. Motion passed.

The written ballot vote for Vice Mayor was three in favor of Dahl, two in favor of Spannring. Sheryl Dahl is the new Vice Mayor of Livingston.

Councilmember Dahl questioned in the City Manager comments about the City Attorney's contract. City Manager Steve Golnar stated that the contract expires on January 2, 1998 and was provided to Council for their review for action at the next regular Council meeting. City Attorney Bruce Becker stated that there was a few items in the contract he would like to discuss with Council at the next meeting.

Motion was made by Dahl, second by Spannring, to re-appoint Bruce Becker as City Attorney.

Councilmember Fred Hall questioned item 7 and item 9 of the City Attorney's contract. Identifying an apparent conflict between the independent contractor status of the Attorney and the City indemnifying the Attorney. Attorney Becker stated that he did not draw up this contract and was in agreement with Mr. Hall's concerns and also stated his own concerns about the expense of liability insurance required by the contract.

Motion was made by Hall, second by Mikesell, to table this item until the next meeting. Motion passed.

Mayor Doyle made his feelings known on how the meetings shall be conducted.

Motion was made by Spanring, second by Dahl, to add action #5 and executive session from the addendum to the regular agenda. Motion passed.

City Attorney Bruce Becker stated that since no action was taken tonight on the appointment of a City Attorney, the City will be without an Attorney for the next couple of weeks. Attorney Becker stated that he had City trials coming up and recommended that an interim appointment be made.

Motion was made by Hall, second by Dahl, to make a interim appointment of Mr. Becker as the City Attorney until the next meeting, with the existing contract in place until such time as Council ratifies a new contract.

Councilmember Dahl asked Attorney Becker if he had any other questions concerning his contract that needed to be worked on before the next meeting. Attorney Becker stated that the liability insurance was his main concern and that he will bring back to Council different proposals for the next meeting.

Motion passed.

At this time, the recording secretary provided Mayor Doyle with the terminology for going into executive session.

Motion was made by Dahl, second by Mikesell, to approve the minutes of the December 15, 1997 regular City Council meeting. Motion passed.

Motion was made by Mikesell, second by Dahl, to accept the bills and claims that listed for \$79,235.21. Motion passed.

City Manager Golnar introduced Robert Schmidt as the new Fire Chief for Livingston.

Motion was made by Dahl, second by Hall, 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. City Manager Golnar explained that this is first reading of the ordinance as it was advised that the same Council should pass both readings of an ordinance. Mr. Golnar also stated that there was a typo in the second whereas, the word "is" should be changed to "in".

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, 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 Hall, second by Dahl, 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. City Attorney Becker noted the changes that were made from the previous Council.

All in favor. Motion passed.

Motion was made by Dahl, second by Spanning, to approve first reading of alternate 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 OR PUBLICLY OWNED BUILDINGS, AND PROVIDING THE PENALTY FOR VIOLATION THEREOF.

City Attorney Becker pointed out the difference between the two ordinances that were read. Councilmember Hall commented that he was not sure of the purpose or the need of this ordinance.

Councilmember Dahl made a comment on a presentation that the Bozeman Police Chief gave to the Bozeman Council and feels this ordinance is a safety mechanism.

City Manager Golnar stated that this is in follow up from a request of the County Commissioners who have passed a similar ordinance.

Other comments were heard. A comment was heard from Bill Dennis.  
All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the Mayor's appointment to the City Board of Adjustment/Zoning Commission of the following people:

Lee Phillips  
Lenny Gregrey  
Logan Leachman  
Tara Eddy  
Amy Titgemeier

All in favor. Motion Passed

Motion was made by Dahl, second by Mikesell, to approve the Mayor's appointment to the Historic Preservation Commission of the following people:

Bob Segil  
Tom Hardy  
Lin Lee  
Travis Chevallier  
Candace Miller  
Kirk Michels

City Manager Golnar reported that there are three more vacancies to this board and he will come back to Council at the next meeting with recommendations.

All in favor. Motion passed.

Discussion was heard concerning the filling of the three vacancies on the Infrastructure Committee.

Councilmember Hall nominated Bill Spanring as Council representative and Barb Williams as a citizen representative to the Infrastructure Committee, seconded by Mikesell. All in favor. Motion passed.

Councilmember Mikesell nominated Fred Hall as Council representative to the Infrastructure Committee, seconded by Dahl. All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to fill the following advisory positions by a Councilmember:

Mayor Mike Doyle - Job Placement Advisory Committee (JPAC)  
Councilmember Bill Spanring - Transportation Coordinating Committee  
Councilmember Sheryl Dahl - Senior Transportation Board (Angeline)  
Councilmember Sheryl Dahl - Post Office Advisory Board  
Councilmember Fred Hall - Building Maintenance Committee

All in favor. Motion passed.

Councilmember Dahl asked the City Manager to find out for the next meeting, that if there was an citizen opening to the Post Office Advisory Board, she would recommend nominating Caron Cooper.

Discussion took place concerning Council orientation workshops. City Manager Golnar suggested that these workshops be scheduled on alternate Mondays to regular Council meetings. Council was in agreement and put a 2 hour meeting limit on the workshops. The starting time will be 7:00 p.m.

City Manager Golnar included in the City Manager comments, a questionnaire for Council to fill out to assist with the goals process.

City Manager Golnar reported that the City and the County meet once a month on the first Wednesday of each month at 4:30 p.m. Due to the time frame of the new year and new Council, the meeting will be rescheduled for January 14,

1998, 4:30 p.m. in the Commissioner's office. Mr. Golnar summarized items that will be discussed.

Councilmember Dahl stated that she would like to start having the meetings recorded for future reference if necessary.

City Manager Golnar reported on the status of Sister City Liaison Kazunori Yoshizaki (Yoshi's) visa and that he has received assistance from Senator Baucus's office seeking to assure that along term visa can be obtained by Yoshi traveling back to Japan.

Discussion was heard on the replacement member to the Upper Yellowstone River Task Force.

Motion was made by Dahl, second by Mikesell, to recognize the resignation of Ken Kastelitz from the Upper Yellowstone River Task Force and in his place to appoint City Planner Jim Woodhull.

All in favor. Motion passed.

A list of restricted parking zones were provided for Council's information. Every two years this list needs to be adopted by the new City Council.

Motion was made by Spanning, second by Dahl, to approve the restricted parking zones as identified.

Discussion was heard concerning the different restricted parking zones. Supt. of Public Services Ken Kastelitz clarified different locations in question. Barb Williams addressed Council requesting a handicap parking zone in front of the Senior Citizen Center.

An amendment to the motion was made by Spanning, second by Dahl, to include a handicap parking stall in front of the Senior Citizen Center. All in favor of the amendment. Motion passed.

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

Discussion was heard concerning a plat correction for a commercial tract in Star Addition #1. City Planner Jim Woodhull summarized the background of this request for correction.

Councilmember Hall stated that he feels this needs to go before the City/County Planning Board before Council can make a decision.

Motion was made by Hall, second by Dahl, to table this item. Motion passed.

City Manager Golnar reported on a Fifth Circuit Court Decision regarding franchise fees with cable TV. A letter was received from General Manager Don Branton of TCI Cablevision dated November 6, 1997. If the City does not sign the acknowledgment from TCI, a 5% increase in franchise fees will be paid to the local franchising authority which is the City.

Mr. Golnar's recommendation was to do nothing and Council was in agreement.

At this time, Mayor Doyle stated that the Council would go into executive session that the merits of individual privacy exceed the merits of public disclosure. Council went into closed session at 8:30 p.m. for personnel reasons.

Mayor Doyle called the meeting back into open session at 8:56 p.m. City Manager Golnar asked for clarification on Resolution No. 2868, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO TRANSITION AGREEMENT TO MAINTAIN SUPERINTENDENT OF PUBLIC UTILITIES POSITION AND APPROVE SALARY ADJUSTMENT. Mr. Golnar questioned if the wording within the title and text of the resolution that states the "...City Manager to "enter" into transition agreement...", should be changed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2868, making the amendments to the text to read, "The City Manager is hereby authorized to negotiate a Transition Agreement for the Superintendent of Public Utilities...." All in favor. Motion passed.

An amendment to the motion was made by Hall, second by Dahl, to revote on Resolution No. 2868, and removing the words "enter into" and replace with "negotiate" in the text and title. All in favor of the amendment. Amendment passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2869, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO TRANSITION AGREEMENT TO MAINTAIN SUPERINTENDENT OF PUBLIC SERVICES POSITION AND APPROVE SALARY ADJUSTMENT, with amendment to the text, "That the City Manager is authorized to negotiate a Transition Agreement...."

An amendment to the motion was made by Hall, second by Dahl, removing the words "enter into" and replace with "negotiate" in the text and title. All in favor of the amendment. Amendment passed.

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

Councilmember Spanning mentioned that he reported to the newspaper a while back that he had some goals and items for discussion. City Manager Comments that were provided to Council for this meeting, included a questionnaire for Council to fill out, "Livingston Goals 1998 through 2003". Spanning felt that this was a good way for Council to list their goals and he would use this method for listing his goals.

Councilmember Mikesell questioned the City Manager if had talked to John Long concerning his fence. Mr. Golnar stated that he had not, but will make a point to accomplish this first thing.

Councilmember Hall mentioned that the City Attorney has ideas on how Council might alter, streamline and change the methods that are currently being used in the meetings, and would make the meetings go quicker. Mr. Hall stated he would like to see the proposals on the agenda for the next meeting.

Councilmember Hall reported to the Mayor that he will have to miss two meetings in the near future.

Councilmember Hall stated that he would like to propose for the next Council agenda, a proposal to eliminate the terms Mayor, Vice Mayor and City Council and change them to Chairman, Vice Chairman and Commission.

Some discussion was heard.

Mayor Doyle mentioned that the Study Commission's recommendation can be revisited three years after it was up for a vote. He would like Council to think about amendments to the study that could include the incorporation of what Councilmember Hall mentioned.

Mr. Hall feels the Council can change their titles without any public review process.

Councilmember Dahl thanked the crew that put up the Christmas lights and asked if there was a plan for putting up lights in the upcoming year. City Manager Golnar recognized Recording Secretary Brown for her success in coordinating the Christmas lighting effort on short notice and referred questions about future plans to her. The recording secretary stated that there is a plan for the upcoming year and that she will keep Council updated.

Councilmember Hall thanked crews for the Christmas lights and felt the time for when the lights went up and were brought down was appropriate.

Councilmember Dahl questioned the status of Jerry Weimer returning to work. City Manager Golnar stated he did not know at this time. Fire Chief Schmidt stated that he has not been able to make contact with Mr. Weimer and has tried on a number of occasions to call, but did not want to leave a message on the answering machine.

Mayor Doyle thanked the Council for electing him Chairman/Mayor.

Barb Williams commended City Council for their meeting tonight and wished them well for the next two years and asked Council to please speak up as it is difficult to hear from the audience.

Bob Brown addressed Council as a member of the Local 630 International Association of Firefighter's on the status of negotiations from the beginning last year. Mr. Brown stated that they have met with a mediator, the union has given

Mr. Golnar a proposal the first of December with no reply, and that the union has filed for fact finding approximately 10 days ago.

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

The time was 9:15 p.m.

ATTEST:

APPROVED:

*Dulianne Brown*  
RECORDING SECRETARY

*Mike Dyer*  
MAYOR



LIVINGSTON  
CITY COUNCIL MEETING  
January 20, 1998  
7:30 p.m.

The Livingston City Council met in regular session Tuesday, January 20, 1998, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Pat Mikesell, Sheryl Dahl and Fred Hall with Mayor Mike Doyle presiding. Councilmember Bill Spanring arrived at 7:36 p.m.

Motion was made by Dahl, second by Mikesell, to bring off the table Resolution No. 2869. Motion passed.

Mayor Doyle stated that the motion on the floor was to re-appoint Bruce Becker as the City Attorney and asked for discussion. City Manager Golnar asked that Council go to the addendum, and pointed out that there had been a mistake and that the number for the resolution should be 2871. Mr. Golnar stated that the agreement has been revised with a highlighted version in the addendum and proceeded to go through the City Attorney Contract with the Council. Also in the addendum was a letter from the Montana Municipal Insurance Authority referring to coverage provided by the MMIA Liability Risk Retention Program for the City Attorney and his liability exposures.

An amendment to Resolution No. 2871, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, RE-APPOINTING AND APPROVING CONTRACT WITH CITY ATTORNEY was made by Hall, second by Dahl, to add language to Section 9, page 4, third sentence: ... the City, "to the extent of its coverage under its liability insurance policy," shall defend the action.... All in favor. Motion passed.

An amendment to the resolution was made by Dahl, second by Mikesell, to strike out 2869 and add 2871. All in favor. Motion passed.

Motion was made by Spanring, second by Mikesell, to approve Resolution No. 2871. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the minutes of January 5, 1998 regular City Council meeting. Motion passed.

Motion was made by Dahl, second by Hall, to accept the bills and claims that were listed for \$56,033.97. Motion passed.

A public hearing was held on second 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. No public comments were heard.

All in favor. Motion passed.

A public hearing was held on second 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. No public comments were heard.

All in favor. Motion passed.

A public hearing was held on second 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. No public comments were heard.

All in favor. Motion passed.

A public hearing was held on second 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 OR PUBLICLY OWNED BUILDINGS, AND PROVIDING THE PENALTY FOR VIOLATION THEREOF. A public comment was heard from Greg Lean.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2870, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE OCTOBER THROUGH DECEMBER 1997, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1997-1998 BUDGET FOR THE CITY OF LIVINGSTON.

Finance Officer Shirley Ewan answered a question for Councilmember Hall that one of the transfers was for the Fire Chief search.

All in favor. Motion passed.

Motion was made by Hall, second by Spannring, to approve first reading of Ordinance No. 1868, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1574 AS AMENDED BY ORDINANCE NO. 1593 WHICH ESTABLISHED THE COMMISSION-MANAGER FORM OF GOVERNMENT FOR THE CITY OF LIVINGSTON BY CHANGING THE NAME OF THE "CITY COUNCIL" TO THE "CITY COMMISSION" AND THE NAME OF THE PRESIDING OFFICER FROM "MAYOR" TO THE "CHAIRMAN". Council agreed to let staff use up all the City letterhead stationary identifying the offices of Mayor and Councilmember before any new stationary is ordered.

Four in favor. Mikesell opposed. Motion passed.

Bozeman City Attorney Paul Luwe, who is also a member of the Board of Director's for the Montana Municipal Insurance Authority (MMIA) presented City Council with a facsimile dividend check in the amount of \$29,731. Mr. Luwe explained that MMIA participants across the State were receiving dividend checks due to the savings resulting from favorable claims experience through the program. Mr. Luwe stated that Livingston's actual check should be received in the mail any day.

Mr. Luwe explained a study that the MMIA is currently performing to find if they can offer reasonable property insurance coverage to various cities and towns.

Mr. Luwe commented on a couple of items that he sees that the City of Livingston does during a Council meeting that he was impressed with and will suggest to the City Council in Bozeman. One item was the public agenda booklet at the back of the room that is provided for anyone to look at during a meeting.

City Manager Golnar suggested that Council amend the agenda to include the items in the addendum.

Motion was made by Dahl, second by Spannring, to amend the agenda to reflect the addendum.

Councilmember Dahl requested that an addendum be delivered to them or at least a phone call notifying Council that there is one to be provided to allow the governing body an opportunity to prepare for any additional information.

Motion passed.

James MacKay of the Lagoon Deli addressed Council to inform them of an event, the National Indian Educational Meetings Honoring Pow Wow that is proposed to be coming to Livingston on June 20 - 24, 1998. Mr. MacKay stated that the Pow Wow Committee needs to find facilities to accommodate the campers that include camping spots, bathroom and showering facilities for approximately 1,500 - 2,000 participants.

Discussion was heard from Council, Staff, John Hughes, Jon Ellen Snyder, and Chauncey Whitright III. Mr. Whitright stated that they are also looking for a resolution of support for the event even if the City cannot provide facilities for the above mentioned items.

Mr. Whitright invited Council and Staff to a steering committee meeting that is going to be held on Friday, January 23, 1998 at the Lagoon Deli.

Mr. Whitright also requested use of the Civic Center for their speakers during the June event.

Council stated that the event promoters need to bring the City a plan for Council to be able to take any action. The material presented at this meeting was not enough information for Council to act on.

Patty Kiderlen, Director of the Livingston Area Chamber of Commerce addressed Council to inform them of the Chamber hosting the 1998 Great American Harley Run that is scheduled for July 27 - 31, 1998. Ms. Kiderlen stated that this is the first time this event has been held and if successful in our community, the Chamber will be offered a right of refusal to continue hosting the event for five years.

Ms. Kiderlen stated that the majority of the money made on this project will go to the Burn Recovery Foundation Fund.

Discussion was heard from Council Staff, Ms. Kiderlen, Jon Ellen Snyder and Greg Lean.

Council stated that this event also needs a more defined plan for Council to take any action. Council directed Staff to prepare a draft Special Events Policy, for these two events, and other events that may be interested in coming to Livingston to assist with their planning.

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

- Finance Monthly Report, December 1997 (provided separately)
- Building Department Monthly Report, November & December 1997
- Water and Sewer Monthly Report, December 1997
- Recreation Monthly Report, December 1997
- City Judge Monthly Report, December 1997
- Police Chief Monthly Report, December 1997
- Livingston Fire/Ambulance Monthly Report, December 1997
- Fire Department Monthly Report, December 1997
- Library Director's Monthly Report, November 1997
- Library Board Minutes, November 20, 1997
- Sister City Committee Minutes, December 17, 1997

City Manager Comments were as follows:

- Officer Michelle Morris has completed her one year probation period and has been assigned regular full time officer status.

- City Manager Golnar has provided Council with the August 1996 Government Study Commission's recommendation on the form of Livingston's Government for their information.

- There will be a January 22, 1998, 10:00 a.m. meeting with the Park County Commissioner's and D.A. Davidson, to discuss a County waste disposal and Incinerator refinancing proposal has been scheduled. City Manager Golnar provided Council with a City/County Solid Waste Agreement separately.

- City Manager Golnar has asked Library Director Milla Cummins to come and explain a Library Funding proposal to the City Council which is later on the agenda.

- City Manager Golnar will be encouraging a meeting with Transportation Coordinating Committee representatives, the State, the Depot Center and City representatives interested regarding the 2<sup>nd</sup> and Park Streets traffic signal.

- City Manager Golnar will be preparing a revised comment on MDT's Loves Lane Project.

- A letter from the Transportation Coordinating Committee regarding the 2<sup>nd</sup> and Park Streets Signal and possible stop light option will be sent requesting that MDT investigate the feasibility of three stop signs and a possible no left hand turn lane being installed at this intersection as a way to address safety concerns in the short term.

Concerns were heard from members of Council. City Manager Golnar explained the history of the signal. Mayor Doyle stated he would like to sit down with those involved before any letters are sent to the State.

A comment was heard from Barb Williams.

- City Attorney Bruce Becker is working with the Department of Transportation to investigate what is necessary for the City to enter into an agreement with MDT for traffic light maintenance and reimbursement procedures.

- City and County Planners are going to get together to discuss Site Review Requirements for individual developments. MDT representatives may be involved also.

- Included in the packet was a TD&H summary on the status of the Bike Path.

- Finance Officer Shirley Ewan is attending MSU per her employment contract. Mr. Golnar is in the process of reviewing how her attending school works along with her responsibilities as Finance Officer and will keep Council informed.

- A meeting was held on January 14, 1998 to review the Post Office Annex design. Review of the historic Post Office remodel is expected to begin in May of 1998.

- A Yellowstone River Task Force meeting was held January 7, 1998. The primary purpose of that meeting was to plan for an educational forum set for Saturday, January 17, 1998 at the Yellowstone Motor Inn from 8:30 a.m. to

approximately 12:30 p.m. The focus of this educational forum will be on coordinating permitting procedures for flood plain regulation/control and river mechanics, hydrology and gravel flow.

- The next Council Orientation workshop is scheduled for Monday, January 26, 1998 at 7:00 p.m.

City/County Librarian Milla Cummins addressed Council to discuss Park County Commissioners Resolution No. 619, calling for an increase in the Library County wide mill levy. Included in the packet was the resolution and proposed ballot language to levy up to 2.5 mills.

No Council action was taken.

Motion was made by Dahl, second by Hall, to approve the advanced funding request of \$642 for Officer Eric Severson.

Councilmember Dahl commended Eric and Chief McCann for pursuing this grant for training. Officer Severson will be attending an Interview and Interrogation training course in California.

Motion passed.

Motion was made by Spanring, second by Mikesell, to approve a draft letter written by the City Manager to East Side School Lessee Double Divide, Inc. to retain the remaining \$5,250 of their damage deposit.

City Manager Golnar gave background information to the damage on the floors and the walls at East Side School during the duration that Double Divide rented the school. Discussion was heard from Council.

Motion passed.

Motion was made by Dahl, second by Mikesell, that the \$5,250 Double Divide deposit be moved into the restricted East Side School Fund.

Motion passed.

Motion was made by Dahl, second by Spanring, to direct the City Attorney to prepare a resolution establishing a charge for Mini-Camera Inspection of private lines and liability if camera gets stuck. Motion passed.

City Manager Golnar explained a memo in the packet from Supt. of Public Utilities Clint Tinsley, stating the need to purchase new hardware in order to run the Utility Billing software which requires more storage space than what there currently is on the existing computers. Mr. Golnar stated that the computers currently in use would be used elsewhere within the City. The cost between water, sewer and garbage would be \$15,752 each. Mr. Golnar stated that this was not budgeted. The reason he brought it before Council, was that it would require a budget amendment to spend the money. He recommended that Council authorize the budget amendment and advertisement for bids for

necessary hardware and software. Mayor Doyle polled the Council with all being in favor getting the process started.

Mayor Doyle directed the next item on the agenda, reviewing Rules of Procedures, to be placed on Council's next worksession agenda Monday, January 26, 1998. Council was in favor.

City Attorney Bruce Becker pointed out items on this meeting's agenda that could have been handled by consent to save Council time.

Discussion was heard on a memo in the packet from Steve Briggs, President of the Baseball Association asking permission to use the baseball fields during the next season. Supt. of Public Services Ken Kastelitz did not know why this was before Council.

City Manager Golnar stated this should not have been on Council's agenda.

Motion was made by Dahl, second by Mikesell, to approve a claim to Banc One Leasing Corp. for the Street Sweeper payment in the amount of \$9,886.15 and also approve the claim to Associates Leasing for the Motor Grader payment in the amount of \$22,071.76.

Staff confirmed that these items were budgeted for in FY 97-98.

Motion passed.

Councilmember Hall asked to revisit the special event discussion that was held earlier in the meeting. Mr. Hall stated he does not believe it is Council's place to be put in the position they were put into tonight. Mr. Hall stated that there are standard questions that need to be asked for every event and feels that as time goes by, there are going to be more groups asking the City for their help and support. Mr. Hall would like to see a policy in place as soon as possible, like the movie policy, for civic organizations requesting City services. Mr. Hall would like a complete plan coming before Council to take action on in the future.

This item will be put on the next Council's worksession.

Councilmember Dahl thanked City employees for working safe and the Manager and Department Heads for providing a safe environment.

Councilmember Dahl questioned City Manager Golnar about an Ambulance Worksession that was held prior to the budgeting, possible areas of saving money in the Ambulance Department were discussed, one being the shared billing with the ambulance crew and has he shared those ideas with Mr. Schmidt, and is this being worked on for the upcoming budget season.

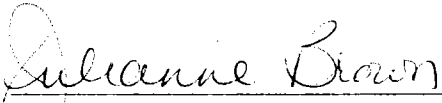
Mr. Golnar asked for clarification and will make sure that Mr. Schmidt receives a copy of what has been discussed in the billing process.

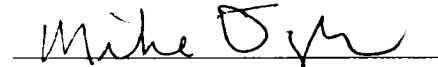
Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 9:50 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR



LIVINGSTON  
CITY COUNCIL MEETING  
February 2, 1998  
7:30 p.m.

The Livingston City Council met in regular session Monday, February 2, 1998, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Fred Hall, Pat Mikesell, Bill Spanring and Sheryl Dahl with Mayor Mike Doyle presiding.

Mayor Doyle addressed the audience to say that this City Council welcomes and encourages public comment on any issue that is before the Council. Mayor Doyle explained the procedure for public comments at the podium. A person needs to state their name and address for the record, after that time, they will be given three minutes for their comment that can only be addressed to the Chair and that it is not a podium for debate.

City Manager Steve Golnar commented on the consent agenda as Council has not had this before.

Motion was made by Dahl, second by Hall, to approve the following consent items:

- Approve January 20, 1998 City Council Meeting Minutes;
- Accept Bills and Claims.
- CDBG HRDC Affordable Housing Project Drawdown #13 - \$19,137.35.
- Approval of Plat Vacation and Boundary Relocation Proposed by Robert Weimer.
- Approve Payment of SID 177 Interest to Norwest Bank in the Amount of \$3,361.07.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1868, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1574 AS AMENDED BY ORDINANCE NO. 1593 WHICH ESTABLISHED THE COMMISSION-MANAGER FORM OF GOVERNMENT FOR THE CITY OF LIVINGSTON BY CHANGING THE NAME OF THE "CITY COUNCIL" TO THE "CITY COMMISSION" AND THE NAME OF THE PRESIDING OFFICER FROM "MAYOR" TO THE "CHAIRMAN".

No public comments were heard. Four in favor, Mikesell opposed. Motion passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2872, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE FINANCE OFFICER TO CLOSE OUT THE AMBULANCE/BOND PROCEEDS FUND AND TRANSFER MONEY. All in favor. Motion passed.

Motion was made by Spanning, second by Mikesell, to approve Resolution No. 2873, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO LOAN AGREEMENT WITH SMITH STUDIOS. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2875, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POLICY FOR CONTRACTED SERVICES FOR POLICE OFFICERS. An amendment to the motion was made by Dahl, second by Mikesell, to include the word "non-profit" on the line with "Governmental and School District Rate".

Discussion was heard from Staff and Council concerning the definition of non-profit status. Citizen comments were heard from Don Devine and Sue Martin.

Motion was made by Hall, second by Dahl, to table Resolution No. 2875 until more discussion can take place at the next worksession. Motion passed.

Motion was made by Spanning, second by Dahl, to approve Resolution No. 2876, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POLICY FOR USE OF ITS MINI-CAMERA. An amendment to the motion was made by Hall, second by Dahl, to change residence to customer in the Exhibit A. City Manager Golnar asked for two other amendments to the Resolution: the last Whereas in the Resolution, third to the last word should read "wish" instead of "which" and item three in the Exhibit A, second line should read ... excavating the "owner's" private service...

Councilmember's Hall and Dahl included the City Manager's amendments into their motion to amend.

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

Motion was made by Dahl, second by Mikesell, to approve first reading of Ordinance No. 1869, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ITS RULES OF PROCEDURE FOR CONDUCTING CITY BUSINESS IN A FAIR AND OPEN MEETING WHICH ENCOURAGES PUBLIC PARTICIPATION IN THE

DECISION MAKING PROCESS OF LOCAL GOVERNMENT AND REPEALING ARTICLE II OF ORDINANCE NO. 1466, AS AMENDED BY ORDINANCES NOS. 1575, 1593, 1742, 1758 AND 1773 AS CODIFIED BY ARTICLE II, SECTION 2-10 THROUGH 2-35 OF THE LIVINGSTON MUNICIPAL CODE. All in favor.  
Motion passed.

City Manager Golnar updated Council on the status of the Special Event Policy. A draft policy has been provided to Council in their mail boxes. Mr. Golnar stated he would like to review this one more time with Council at their next worksession as there are more issues being worked on.

City Manager Golnar reported that Yoshi, the City's Coordinator of International Relations from Naganohara, Japan has received his B-1 Visa and it is good through the year 2003.

Finance Officer Shirley Ewan has written a response from the Auditor's Comments to the State. A copy has been provided to Council in their mail boxes.

City Manager Golnar stated that he will be writing a follow up letter to the refinancing meeting identifying the City's interest in determining the cost savings which would be accomplished by the General Obligation Bond Refinancing of the Incinerator.

City Manager Golnar has authorized outside employment for Terry Brack.

Included in the packet for Council's information was a comment from Senator Burns on the American River Heritage Initiative.

Written comments were received from John Mabie relating to the levee access and yields on all North/South Streets. Mr. Golnar recommends the yield sign issue should be referred to the Transportation Coordinating Committee and be an issue addressed in the comprehensive transportation plan.

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

- Feb 2, 7:00 p.m. - Reception for Outgoing Councilmembers
- Feb 2, 7:30 p.m. - Regular Council Meeting
- Feb 4, 4:30 p.m. - City/County Meeting in Community Room. Agenda to include:
  - Honeywell/HBAC Presentation;
  - PA System Overview & Training;
  - Long Term Discussion of Developing a Policy Establishing Criteria for Use of Old Airport Land and New Airport Land;
  - Incinerator/Solid Waste Refinancing Issues.
- Feb 9, 7:00 p.m. - Council Workshop in Community Room. Agenda to include:

- Review Performance Evaluation Updated Materials;
- Review Special Events Policy;
- Review and Discuss Union Contracts and Long Term Collective Bargaining Strategy.

City Manager Golnar will let Council know when the Park and Second Streets Traffic Signal meeting with MDT, City, Transportation Coordinating Committee Representatives, County and the Depot Center will be.

Councilmember Hall commented on the procedures that passed earlier in the meeting and that Council will look to have the major work on an issue in worksessions.

Councilmember Hall stated he would be absent from the next worksession and Council meeting.

Councilmember Dahl questioned City Manager Golnar if he has had any discussions to date with the County referencing zoning outside the City limits.

Mr. Golnar responded that he has talked with the Chairman of the City/County Planning Commission and has scheduled a Council Orientation Workshop to address development issues and that would be an appropriate time to bring up that discussion.

Councilmember Dahl questioned another development issue, her concerns on entrances and exits. In the future, she would like to see the entrances and exits on the plans that come before Council.

Ms. Dahl does not believe it is right for the taxpayers surrounding new development to pay for the new development through a SID.

Councilmember Mikesell agreed with Ms. Dahl and also stated that curbs and sidewalks should be on all plans before Council.

Councilmember Dahl questioned the setbacks at the new Scrubby's Laundromat development and the fact that there is no room for a road to access the next property. City Planner Jim Woodhull commented on this section of property.

Ms. Dahl stated it would be wise if the City sat down and determined the future scale of what the City would be and add to the development discussions.

Councilmember Dahl stated a levee plan was requested a couple meetings ago. Ms. Dahl would like to see what the City's plan is. Mr. Golnar stated he would have one prepared for the next meeting or worksession.

Councilmember Mikesell questioned the Dore nuisance ordinance enforcement status from City Attorney Becker. Attorney Becker stated he has talked with Judge Swandal and it will be set for trial.

Councilmember Mikesell questioned City Attorney Becker on the sewer connection at Goodtime Sports. Extensive discussion was heard from Council and Staff.

Council decided to hold further discussions on this issue at a worksession with Supt. of Public Utilities Clint Tinsley.

Mayor Mike Doyle reported to Council that he was invited to attend a birthday party at the Diamond K Lodge last Sunday honoring Priscilla Chadbourne age 97 and Charlene Gilbert age 80.

Sue Martin addressed Council on the status of the Park for the two proposed events. Mayor Doyle stated that Sacajawea Park would be unavailable and that both events have received draft copies of the Special Event Policy. City Manager Golnar and Police Chief Steve McCann provided further information.

Councilmember Bill Spanring confirmed that he has received Ms. Martin's letter and will bring it up during the worksession.

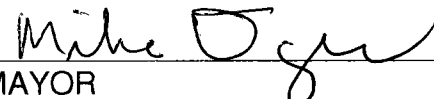
Motion was made by Dahl, second by Spanring, to adjourn this meeting there being no further business. Motion passed.

The time was 8:24 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
MAYOR

LIVINGSTON  
CITY COUNCIL MEETING  
February 17, 1998  
7:30 p.m.

The Livingston City Council met in regular session Tuesday, February 17, 1998, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Pat Mikesell, Bill Spannring and Sheryl Dahl with Mayor Mike Doyle presiding. Councilmember Fred Hall was absent.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve February 2, 1998 City Council Meeting Minutes.
- Accept Bills and Claims that listed for \$226,036.84.
- Approve Recommendation for Parks Department Pickup.
- Approve CDBG Matt Smith Studio Drawdown #2 in the amount of \$15,000.

Motion passed.

Motion was made by Mikesell, second by Dahl, to pull the following item from the consent items for discussion. Motion passed.

- Acknowledge Receipt of Dept. Head Monthly Reports and Other Minutes. (Finance provided separately)

Councilmember Pat Mikesell stated that Council does not get a true reading of the percent of collectibles on the ambulance calls as the years are lumped together. Mr. Mikesell would like the calls to be listed year by year.

Finance Officer Shirley Ewan stated that the problem with that is, that in June, these will not be collective until July or August, which makes it look like there have been no collections.

Further discussion was heard on this issue. Finance Officer Ewan will work something up for the next meeting,

Councilmember Sheryl Dahl noted Finance Officer Ewan's comments in the Finance Report. Ms. Dahl stated that Ms. Ewan has worked in her position for over three years and would like the City Manager to revisit Ms. Ewan's contract concerning her going to school to complete her accounting degree and if completing the degree is necessary, given the hands on knowledge and experience Ms. Ewan has accumulated over the past few years. Ms. Dahl stated that this is difficult on Ms. Ewan as it is pulling her away from her position and

she is having to work that much harder. City Manager Golnar will look further into and report back to Council. Council was in agreement.

Motion was made by Dahl, second by Mikesell, to acknowledge receipt of the monthly reports and minutes. Motion passed.

City Manager Steve Golnar summarized a request from Depot Center for use of Park Street Park for an art train visit in conjunction with annual festival of arts and to waive the land use fees. Mr. Golnar reported to Council that City/County Sanitarian Randy Taylor has reviewed the proposal and has no problems with the application and location.

Diana Sieder, Director of the Depot Center gave a presentation to Council for the proposed upcoming event that is scheduled for July 2-5, 1998.

Motion was made by Spannring, second by Mikesell, to approve the Depot Center's request to use the Park Street Park for the Art Train visit and waive the land use fees.

Councilmember Dahl noted to Council prior to voting on this request, that she is a Board member of the Depot Foundation and is not gaining monetarily.

Ms. Dahl questioned Ms. Sieder's request for marking on Park Street. Mr. Golnar and Ms. Sieder confirmed that permission will be requested by the Depot Center from the State and the City will provide a few orange cones.

Motion passed.

Motion was made by Dahl, second by Spannring, to approve the tentative agreement between AFSCME Local 2711A (Livingston City Employees) and the City of Livingston and direct that a final contract be prepared and the City Attorney draft a resolution for the March 2<sup>nd</sup> meeting. Motion passed.

Council considered a request from the Rotary Club for a waiver or reduction of City's Construction Permit Fee for a Depot/Rotary Park Sign to be set back and diagonally placed in the Park at the corner of 5<sup>th</sup> and Park Streets. City Manager Golnar summarized the proposed project for Council's information. Dave Molbash was present on behalf of the Rotary Club to answer questions.

Discussion was heard between Staff and Council.

Motion was made by Spannring, second by Dahl, to approve the waiver of the permit fee for the sign. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the sign for the Rotary/Depot Park. Motion passed.

A public hearing was held on second reading of Ordinance No. 1869, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING ITS RULES OF PROCEDURE FOR CONDUCTING CITY BUSINESS IN A FAIR AND OPEN MEETING WHICH ENCOURAGES PUBLIC PARTICIPATION IN THE DECISION MAKING PROCESS OF LOCAL GOVERNMENT AND REPEALING ARTICLE II OF ORDINANCE NO. 1466, AS AMENDED BY ORDINANCES NOS. 1575, 1593,

1742, 1758 AND 1773 AS CODIFIED BY ARTICLE II, SECTION 2-10 THROUGH 2-35 OF THE LIVINGSTON MUNICIPAL CODE. No public comments were heard.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2874, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING SPECIAL EVENTS POLICY.

Councilmember Dahl stated her concerns on page 73 of the packet where it states fireplaces in the Camping Plan and that the Fire Department should be notified. Discussion was heard from Staff and Council.

An amendment to the motion was made by Dahl, second by Mikesell, to amend Resolution No. 2874, section H, under any fireplaces, "any non permanent fire rings or open fireplaces must be approved by the Fire Department". 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 Mikesell, to take off the table, Resolution No. 2875, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POLICY FOR CONTRACTED SERVICES FOR POLICE OFFICERS. Motion passed.

(At the February 2<sup>nd</sup> meeting, the motion was made by Dahl, second by Mikesell to approve the resolution. An amendment to the motion was made by Dahl, second by Mikesell, to include the word "non-profit" on the line with Governmental and School District Rates.)

Roll call vote on the original motion was all in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2877, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A TRANSITION AGREEMENT AND MAINTAINING THE POSITION OF SUPERINTENDENT OF PUBLIC UTILITIES. All in favor. Motion passed

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2878, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A TRANSITION AGREEMENT AND TO MAINTAIN THE POSITION OF SUPERINTENDENT OF PUBLIC SERVICES. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2879, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, STATING ITS INTENT TO ANNEX A PORTION OF ROGERS LANE, SETTING DATE AND TIME FOR PUBLIC HEARING AND GIVING NOTICE THEREOF. All in favor. Motion passed.



Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2881, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH I.A.F.F. LOCAL #630.

Councilmember Spannring questioned City Manager Golnar if he recommended that Council vote on this resolution. Mr. Golnar stated he did. Mr. Spannring stated that some feel there is a perceived conflict of interest if he votes for this item. Mr. Spannring feels that it is a win/win situation for both the City and the Fire Department. Mr. Spannring stated that at first he was not going to vote as he did not want to cause a stir, but he feels like that would be hiding. He felt that there may be some time down the road that he may be requested to vote on some kind of Ambulance or Fire Department business, with his vote being the yea or nay vote which decides the issue. He stated that he felt that it is only fair to the voters that voted for him, and the rest of the public, that he does not have a legal conflict of interest. Mr. Spannring reported that Montana Law required that he state when there is a "perceived" conflict of interest and he intended to vote on this contract.

All in favor. Motion passed.

Resolution No. 2882, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN WITH COMSENSE INC., FOR AUDIT OF TELEPHONE.

Vicki Becker, President of ComSense gave Council a presentation on her proposal that was before them.

Discussion was heard from Staff and Council. Since more answers were needed before Council could approve the resolution, Mayor Doyle suggested that the City Manager, Finance Officer and Mrs. Becker study this further and bring it back to Council. Ms. Dahl also suggested to Mr. Golnar that within the resolution, language should be added that he authorizes accepting or denying any recommendations.

City Manager Golnar reported that he has talked with Bridgett Eckstrom with the bond company that is working with the County, and she assured him that in cooperation with the County, she will provide responses to the February 3, 1998 letter submitted to the County at the City/County meeting. This information will then be available for Council's February 23<sup>rd</sup> Council Workshop.

Doug Domke, Dennis Fisher and Tom Olson of the Utilities Department have completed their six month probation in their new job assignments. Mr. Golnar congratulated these employees.

A Building Department meeting has been scheduled for March 12, 1998 at 4:30 p.m. in the Community Room to discuss current building department issues, concerns, and to hear from contractors and the public. Any Council interested in attending are welcome.

The following calendar of events is for Council's information:

- Feb 16, 7:30 p.m. - Yellowstone River Task Force Meeting - Community Room City/County Building. This meeting will allow the Corp of Engineers to discuss and present their thoughts relating to a proposed tightening of Corp permit requirements for river work. The River Task Force will also discuss its goals and role given this new information and a public forum will be provided for input and comment. (see enclosed agenda)
- Feb 23, 7:00 p.m. - Council Workshop
- Feb 24, 9:00 a.m. - 4:00 p.m. - Council Tours. Meet at City Manager's Office at 9:00 a.m.
- April 18, 8:00 p.m. - Policeman's Ball - Livingston Golf and Country Club

A 2<sup>nd</sup> and Park Streets signal meeting with the Montana Department of Transportation, Depot Center, City, County and TCC members that was scheduled for February 18<sup>th</sup> at 10:00 a.m. has been cancelled at this time. This will be rescheduled.

The regular City/County meeting is scheduled for March 4<sup>th</sup> at 4:30 p.m. in the County Commissioner's office.

City Manager Golnar has authorized the use of about 1 mile of City sidewalk on Clark Street for a 5<sup>th</sup> grade class use in developing a model of the solar system.

Following are pending informational items the City Manager is currently working on:

- Park County Senior Citizens have requested that the handicap space in front of the Center be removed and left open for general parking. Mr. Golnar is working with Barb Williams and Meals on Wheels to determine if there is a compromise before bringing this to Council.
- Events to be considered pending the completion of the Special Events Policy include:
  - ▶ Search and Rescue Statewide Conference
  - ▶ Indian Pow Wow and Support of the Little Big Horn Memorial
  - ▶ Great American Harley Run
  - ▶ Depot Center's Request to Host the Art Train in the Park Street Park (a copy of which is being reviewed by the Council tonight, due to timing concerns)

- Also pending is the East Side School Lease. Mr. Golnar proposes to advertise for interested parties once again and to renew conversations with Caldwell Bankers about possible property management services.
- Non-Union Employee Pay Adjustment for FY 97-98 - Mr. Golnar will be proposing a revision at the next meeting if the Public Services Contract is passed.

Councilmember Dahl stated to the City Manager that she had spoken with Larry Edwards about recycled asphalt. Ms. Dahl would like the Manager to look further into this for possibly the Bike Path or the top of the levee and get back to the Council by mid-March.

Councilmember Dahl questioned the City Manager if he has talked to the County commissioners about recycled glass. Ms. Dahl would like this on the City/County agenda.

Councilmember Dahl inquired about the County's proposed Incinerator GOB Bond issue and whether the City could carry forward the proposed savings to City residents. Ms. Dahl would like this information on what the City can do.

Councilmember Dahl encouraged everyone to go to the Policeman's Ball which is being held in April. Ms. Dahl stated that she has been the only Councilmember to go in the past two years.

Councilmember Mikesell directed a comment to Mayor Doyle about him polling the Council the other day on the sign variance. Mr. Mikesell stated that he was not called. Mr. Mikesell stated that he is a representative of this Council and was voted into office, and it was wrong of Mayor Doyle not to call him for his opinion and would like Mayor Doyle to call all Councilmembers in the future when being polled.

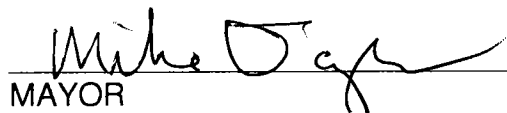
Motion was made by Dahl, second by Spanring, to adjourn this meeting there being no further business. Motion passed.

The time was 8:25 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
MAYOR

Livingston  
City Commission Meeting  
March 2, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, March 2, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Bill Spannring, Sheryl Dahl, Chairman Mike Doyle and Pat Mikesell. Commissioner Fred Hall was absent.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve February 17, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims.
- Change Public Hearing Date for Rogers Lane Annexation.

Motion passed.

Chairman Doyle proclaimed the Month of March as American Red Cross Month in the City of Livingston.

Chairman Doyle proclaimed March 8 - 14, 1998 as Girl Scout Week in the City of Livingston.

City Manager Steve Golnar gave the Commission background information on a variance request from Bob and Juanita Fatouros who own the newly erected Econolodge at 111 Rogers Lane. The Fatouros's are requesting a variance from the provisions of the Livingston Sign Code. Mr. Golnar stated that the Board of Adjustments and the City Planner have reviewed this request.

Mr. Golnar pointed out that a follow up letter dated February 13, 1998 was received and forwarded to the Commission to revise the request for a variance to just a 55 foot sign with 175 square feet of surface area and eliminating the separate monument sign that was proposed earlier.

City Planner Jim Woodhull summarized further on the original request and summarized the code requirements.

Mr. Golnar reported to the Commission that the City Attorney has prepared a summary check list of findings to be made in granting the variance for the Commissioners guidance and that this checklist was included in the packet. Written comments were provided in the packet from Jack & Renailda Burns and Bob & Sue Wesler.

City Planner Woodhull reported to the Commission that the Board of Adjustments recommendation was to disapprove the variance request.

Commission Chairman Doyle described to the audience how the hearing would proceed and rules for public comment.

Mr. And Mrs. Fatouros were allowed 10 minutes to address the Commission with their presentation. A fifteen page list of people in favor of the variance was given to the Commission Chairman.

The following people spoke in favor of allowing the variance request: Tom Hendrickson, Kevin Gillaspie, Ron Reinhardt, Denny Sevierts, Renailda Burns, Myron Kovash, Darrel Thomas, Marsha Kelleher and Richard Payne.

The following people spoke in opposition of allowing the variance request: Duane Colmey, George Anderson, John Schuler, Paul Deyerle, George Wuerthner, Bob Wiltshire, John Fryer, Dick Peterson, Joe Tacke, Lynn Chan, Archie Marcotte, Caron Cooper, John Rogers, Vince Tacke and Mark Engle.

After the closing of public comments, City Attorney Becker explained the fact finding checklist further for the Commission. The three questions that the Commission needed to answer before they took any action were:

1. The variance must not be contrary to the public interest;
2. A literal enforcement of the zoning ordinance must result in unnecessary hardship, owing to conditions unique to the property; and,
3. The spirit of the ordinance must be observed, and substantial justice done.

With regard to item #1; Chairman Doyle stated that what public interest meant to him, was the future of the community of the City of Livingston, not for just today, but for tomorrow. Mr. Doyle felt that the variance request stood in the face of what he felt the community wanted to achieve as a whole based upon what many of the people had mentioned at the meeting. As far as economically, what it is going to be in the future, Mr. Doyle believes people are going to come here because Livingston is the gateway to Paradise Valley and Yellowstone Park. Mr. Doyle stated that mistakes were made in the past signage, things have to be corrected in some areas. At this particular point, that's his call on the general welfare of the community and public interest.

With regard to item #2; Mr. Doyle stated that a hardship cannot be self imposed. Mr. Doyle stated that there is a certain amount of self imposed hardship in placing a motel in the area where it is going to need such dramatic signage against the ordinance.

With regard to item #3; Mr. Doyle did not believe that this sign will enhance the outward appearance of the community as a whole and thought that the ordinance is in place, people can ask for variances through the ordinance, but does not feel that this particular variance request qualifies on those grounds.

Motion was made by Dahl, second by Mikesell, to adopt Chairman Doyle's fact finding comments.

Comments were heard from Commissioner's Dahl, Spannring and Mikesell.

The vote was all in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to deny the Econolodge variance request.

Commissioner comments were heard before the vote.

All in favor. Motion passed.

City Manager Steve Golnar reported that the cost of renewal for flood insurance premiums would be for the upcoming year. Mr. Golnar reported that the total amount for flood insurance this year would be \$2,957. Mr. Golnar's recommendation is not to renew flood insurance for the City for this upcoming year and to look into it on an annual basis.

City Manager Golnar reported that two requests were received by the City for purchase of Block 19 of the Palace Addition for residential purposes. Discussion was heard from staff and the Commission. Mr. Charles Tecca, one of the requests received, addressed the Commission.

Councilmember Dahl commented on the Recreation Plan.

Mr. Golnar recommended that the Commission not sell this parcel at this time in case it could be used for other purposes. The Commission was in favor of not selling Block 19 of the Palace Addition at this point in time.

City Manager Golnar gave the Commission additional information for them to consider the County's request for City support of G. O. Bond issue for purchase of the Incinerator.

Mr. Golnar's recommendation was to support the bond issue and if it passes to make the alterations in our budget and then also in the solid waste contract with the County.

Motion was made by Dahl, second by Spannring, that the Commission support the County Commissioner's on their General Obligation bond for the Incinerator.

Commission comments were heard. Commissioner Mikesell stated that he felt shaky about the contract and asked for the City Attorney to comment. Mr. Mikesell stated that he was not comfortable with this and would like to be on more solid ground.

Further Staff and Commission discussion was heard.

The vote was all in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2883, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A.

Finance Officer Shirley Ewan clarified a question for Commissioner Dahl. All in favor. Motion passed.

A February 25, 1998 letter to the Depot Center granting them a special use permit was included for the Commission's information.

City Manager Golnar stated he is proposing to readvertise the leasing of the East Side School and has received notification that one of the bidders from the previous advertisement is no longer interested in pursuing this space. Mr. Golnar will continue discussions with Caldwell Bankers and involve the Park County Economic Development Council. A draft request for proposals was included in the packet for the Commission's information.

Commissioner Dahl suggested that the City advertise on the homepage on the Internet.

The following calendar was provided for the Commission's information:

- Mar 2, 6:30 p.m. - City Commission Workshop - Community Room
- Mar 2, 7:30 p.m. - Regular City Commission Meeting
- Mar 4, 4:30 p.m. - City/County Meeting
- Mar 5, 1:00 - 3:30 p.m. - State Wide Video Conference/Senator Baucus to discuss revitalization of the States Downtowns and Main Street Program
- Mar 6, Butte Main Street Conference
- Mar 6 & 7, 1:00 - 6:00 p.m. both days - Open House, Livingston Affordable Housing Land Trust
- Mar 6, Noon - 1:00 p.m. - Questions and Answers with Ray Clark with the Council on Environmental Quality Regarding the American Rivers Heritage Program - Community Room
- Mar 9, 7:00 p.m. - City Commission Workshop - Personnel Issues - Ken Weaver; Development Issues - City Planner
- Mar 12, 1:30 p.m. - Building Department Meeting
- April 29 - May 1 - Local Government Center Workshop for Elected Officials - Holiday Inn, Billings Plaza
- Oct 7, 8, & 9 - League of Cities and Towns Convention - West Yellowstone

Commissioner Dahl requested that the Commission make a decision on which topic they would like to discuss at their March 9<sup>th</sup> worksession. It was decided that they would discuss Development Issues with the City Planner and the a workshop on pay equity would be scheduled at another time.

Other Pending Items:

- 2<sup>nd</sup> and Park Streets meeting with MDT, Depot Center, City, County and TCC. Mr. Golnar stated he is stilling working on scheduling a meeting that will work for everyone involved.
- Schedule 2<sup>nd</sup> City Commission tour of City facilities. Mr. Golnar will work out a schedule with the Commissioners that have not been on the tour.

City Manager Golnar reported that a hearing was set for Dore vs. City of Livingston. This hearing has been scheduled for 1:30 p.m. March 30, 1998 in District Court.

Commissioner Dahl would like to see the City move forward with making a decision with the Levee.

Commissioner Dahl asked that the City Attorney with future variances put a note in the packet that the Commission should move on fact finding prior to voting on the main variance.

Commissioner Spannring stated that in some point, the Commission needs to deal with the sign variance again and to see if they can entice the other businesses into lowering their signs to 30' over a period of time.

Commissioner Mikesell stated he would not be able to make the Dore hearing and thank City Attorney Becker for moving forward with this issue.

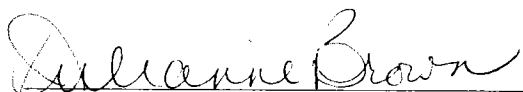
George Anderson addressed the Commission with comments about the Special Sign District.

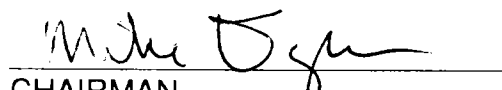
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:27 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN



LIVINGSTON  
CITY COMMISSION MEETING  
March 16, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, March 16, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Bill Spannring, Sheryl Dahl, Fred Hall, Chairman Mike Doyle and Pat Mikesell.

Motion was made by Dahl, second by Spannring, to approve the following consent items:

- Approve March 2, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims that listed for \$79,915.52.
- Authorize Payment of Registration Fees for Geographic Information Systems Conference.
- Approve Non-Union Employee Pay Adjustments for FY 97-98.

All in favor. Motion passed.

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

- Department Head monthly reports for February 1998 and other Board minutes.
- Headwaters Recycling information.

Motion was made by Dahl, second by Mikesell, to approve a route request for "Run or Walk for Wellness" proposed by the LivingSteps Wellness Center for May 30, 1998.

City Manager Steve Golnar stated that this was reviewed by Staff members and based on last year's experience, Staff sees no problem with authorizing this route for this year.

Carol Stern, a member of the LivingSteps Wellness Program, addressed the Commission to answer any questions they may have.

A comment was heard from Barbara Dean. Ms. Stern clarified the route for the Commission.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2884, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A CASH RESERVE/RESTRICTED ACCOUNTS POLICY AS PART OF ITS OVERALL FISCAL POLICY.

City Manager Golnar pointed out that this Cash Reserve Policy applies only to the current fiscal year (FY 97-98) and Staff will begin working on a new Cash Reserve Policy for the next fiscal year along with the budget for next fiscal year. Discussion was heard with Staff and the Commission. Extensive discussion was heard on item 4 of the resolution. The question was where the 5% reserve in the General Fund was derived from. Staff answered that 5% is never enough, but any higher percent would be a harder goal to achieve. Mr. Golnar stated that raising the percent could be looked further into during the following budget year.

A comment was heard from Barbara Dean.

All in favor. Motion passed.

City Manager Golnar informed the Commission that he has been contacted by the Dime Insurance Agency asking if the City would consider taking competitive bids for Worker's Compensation and Liability Insurance. Mr. Golnar's recommendation is to stay with MMIA for both insurance's at this time.

City Manager Golnar will provide the Commission with a copy of a letter in response to Senator Baucus's Office's request for projects for possible funding.

City Manager Golnar updated the Commission of the status of the Bike/Pedestrian Path project and the Levee Plan.

City Manager Golnar commented on the following meetings that were recently held:

- Main Street Program Video Conference at MSU was attended by the City Manager and Chairman Doyle.
- Livingston Rebuild Center invited the City Manager to attend the grand opening ceremonies for their Richland Washington Research and Development Center.
- The City Manager attended a portion of the Yellowstone River Task Force meeting on Thursday, March 12, 1998.

City Manager Golnar stated he has been visiting with County Commissioner Gutebier about the City/County Building heating, ventilating and air conditioning upgrade approach and will be in contact with a facilities manager's that may deal with this on a more routine basis. Mr. Golnar will work with the Commissioner's to try to have something in proposal form for the next City/County meeting.

A special events request by Search and Rescue for camping in Miles Park will be reviewed at the Staff meeting on the 17<sup>th</sup>, with a recommendation at the Commissioner's meeting on April 6<sup>th</sup>.

City Manager Golnar stated that the City has not received completed applications from any other special events at this time.

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

- March 17, 3:00 p.m. - Park County Economic Development Committee - Sport
- March 18, 7:00 p.m. - Sister Cities Meeting - Winan's School
- March 23, 7:00 p.m. - City Commission Workshop - Budget Orientation and Financial Workshop with Norm Klein with the Department of Commerce - Community Room
- March 26, 9:00 a.m. - City Commission Tour #2
- March 27, 5:00 p.m. - City Commission Goals Due to Manager
- April 1, 4:30 p.m. - City/County Meeting - Commissioner's Office
- April 6, 7:30 p.m. - Regular City Commission Meeting
- April 13, 7:00 p.m. - City Commission Workshop - Goals Refined FY 98-99 and Beyond
- April 20, 9:00 a.m. - 3:30 p.m. - Financial Risk Management Seminar in Bozeman
- April 22 - 24, - City Manager attends Greater Open Space City Management Association in Vermillion, South Dakota
- April 29 - May 1 - Local Government Center Workshop for Elected Officials - Holiday Inn, Billings Plaza
- Oct 7, 8, & 9, - League of Cities and Towns Convention - West Yellowstone

City Manager Golnar mentioned the following items that are pending:

- Determine if any Commissioner's will be able to attend either the Local Government Center Elected Officials Workshops or the League of Cities and Towns Convention. Chairman Doyle stated he could attend both workshops.
- Schedule Personnel Workshop with Ken Weaver. Mr. Golnar will pursue for 7:00 p.m. March 30<sup>th</sup> if confirmed with Mr. Weaver.
- Schedule 2<sup>nd</sup> and Park Street Traffic Light Meeting. Mr. Golnar has been contacted by the Depot Center indicating that Mr. Sullivan really wants to attend this and he has not been able to determine when he will be available to do so yet. The Commission stated that they understood and is willing to wait, but does not want to wait long enough to lose the County funding of this project.

Commissioner Hall stated that it was good to be home and commented on Florida's government.

Barbara Dean addressed the Commission for clarification on earlier discussion of City land sales.

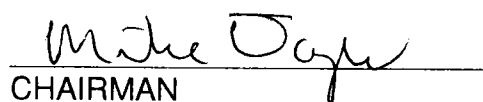
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 8:08 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
April 6, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, April 6, 1998 at 7:30 p.m. in the Community Room at the City County Building. Commissioners present were Sheryl Dahl, Fred Hall, Mike Doyle, Pat Mikesell and Bill Spannring.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve March 16, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims that listed for \$66,526.34.
- Approve Street Materials Bid Recommendation.
- Approve Water Main Materials Bid Recommendation.
- Approve Computer Bid Recommendation.
- Approve Waiver of Open Container Law.
- Approve PCEDC/CDBG Smith Studio Drawdown #3.
- Approve Building Permit Payment for Habitat for Humanity Project

Motion passed.

City Manager Steve Golnar gave the Commission background information on a special event requested by Search & Rescue. Items for discussion include: Camping Outside of Civic Center, Waiver of Bandshell Fee and Helicopter Landing Plans. Mr. Golnar's recommendation was to:

- allow attendees to sleep overnight in the Civic Center gym if they so desire. Allow self-contained campers to park overnight in the Civic Center parking lot between the Bandshell and the Civic Center.
- not waive the Bandshell fee of \$25 per day.
- allow Search and Rescue to move forward with their helicopter landing plans provided with their helicopter landing plans provided that they coordinate with the Livingston Fire Department to ensure Fire Department standby is present for take off and landing.

Motion was made by Hall, second by Spannring, to approve the Search and Rescue request with recommendations as written by management.

Chris Dover and Lynn Chan were present to speak on behalf of Search and Rescue. Ms. Dover stated that she is still unsure as to where the helicopter may be landing and is still looking into this. It could possibly be landing at the Fairground's or behind the ball fields.

Ms. Dover requested that the Commission allow the outdoor tent camping as the participants do want their privacy and there should be only about a half a dozen tents. She stated that the majority of the participants do stay at motels.

An amendment to the motion was made by Dahl, second by Mikesell, by allowing tent camping in the Bandshell area as long as the Search and Rescue participants are willing to pay the \$25 land use fee.

More discussion was heard.

The Civic Center will be available to this group 24 hours per day for the bathroom facilities and they will also be providing their own port-a-potties as well.

City Manager Golnar is to keep in contact with Ms. Dover as the project progresses.

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

City Manager Golnar enclosed a proposal received by County Commissioner Dan Gutebier and passed on to the City. This proposal is for a preliminary engineering feasibility study which will include a description of the existing heating, ventilating and air conditioning systems, a summary of the operating and maintenance problems, various options to improve the system and/or reduce utility costs, and estimated construction cost for the various options. This document would be the basis that would be used to provide information to mechanical engineering firms to provide proposals in response to the City's request for proposals. Mr. Golnar's suggestion is that the City enter into the agreement with the County based on an agreed upon percentage split that staff is still working out. The cost of the study is \$2,800. Discussion was heard from Council. This item will be on the joint City/County Meeting agenda.

Motion was made by Mikesell, second by Hall, to enter into a contract with the County for a HVAC Engineering Study for the City/County Building. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2885, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT WITH FINANCE OFFICER BY APPROVING A 3.2% PAY RAISE RETROACTIVE TO JULY 1, 1997; BY ESTABLISHING A SALARY OF \$36,120.00 EFFECTIVE MARCH 16, 1998, AND BY AMENDING THE FURTHER EDUCATION REQUIREMENTS THEREOF.

City Commissioner Dahl questioned page 54, number 2.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2886, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH SCOTT NELSON ENGINEERING, INC. FOR TOPOGRAPHIC MAPPING OF PROPERTY ADJACENT TO LEVEE.

City Manager Golnar pointed out that this resolution and no. 2887 and no. 2890 will be paid for by continuing to impose the emergency mill levy.

The deadline to be added to the agreement was April 15<sup>th</sup>.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2887, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH LYNN CHAN LANDSCAPE ARCHITECT FOR TOPOGRAPHIC MAPPING OF PROPERTY ADJACENT TO LEVEE. City Manager Golnar stated that this contract will not exceed \$1,000. Lynn Chan addressed the Commission, stating she should be able to finish what is stated in this agreement by the end of May.

Commissioner Dahl questioned what the City would be getting for \$1,000. Mr. Golnar stated that he is looking for conceptual and then construction drawings of what improvements will be made specifically relating to ramps and vehicular access behind the levee between Sacajawea Park and the levee.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2888, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ADDENDUM TO PROFESSIONAL SERVICES CONTRACT WITH T D & H FOR BIKE PATH. City Manager Golnar explained the realignment that was in the addendum. Questions were asked by the Commission with the Manager answering. The overall cost of the project was \$254,430, not including the \$1,600 increase that is being proposed at this meeting for the rail crossing or the alternatives to address the culvert.

All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2889, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO CONTRACT WITH BERG EXCAVATION. An amendment to the motion was made by Dahl, second by Mikesell, that the project shall commence on or before the time that Montana power has completed their utility work and shall be completed 30 days thereafter. All in favor of the amendment. Amendment passed.

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

Motion was made by Dahl, second by Hall, to approve Resolution No. 2890, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO CONTRACT WITH BAINTER

BACKHOE AND CAT SERVICE. City Manager Golnar stated that the City has received approval for the 124 permit from the Fish, Wildlife and Parks and application for the permit for the Corp of Engineers under their nationwide permit #3 which has also been submitted.

A correction to the proposed resolution was made at the second Whereas, and should read "repair" the boat ramp...

An amendment to the motion was made by Dahl, second by Mikesell, that the project shall be completed on or before the close of business on the 30<sup>th</sup> day of April 1998. All in favor of the amendment. Amendment passed.

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

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2891, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH SCOTT NELSON ENGINEERING, INC. FOR SEWER LINE REPLACEMENT. All in favor. Motion passed.

The time frame included into the agreement was: "The engineer agrees to complete the Scope of Services within 30 days after notice of substantial completion has been issued".

A public hearing was held on Resolution No. 2892, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING A PORTION OF ROGERS LANE. No public comments were heard.

Motion was made by Mikesell, second Spannring, to approve Resolution No. 2892.

Supt. of Public Services Clint Tinsley explained the conditions of the roads and who is liable for someone hitting one of the holes in the road for the City Commissioners.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve first reading of Ordinance No. 1870, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REPEALING ORDINANCE NO. 1707 AND REQUIRING SITE PLANS FOR ALL COMMERCIAL AND INDUSTRIAL DEVELOPMENTS OR RE-DEVELOPMENTS IN THE CITY OF LIVINGSTON TO BE REVIEWED AND APPROVED, ESTABLISHING FEES AND A CIVIL PENALTY. City Planner Jim Woodhull explained the ordinance for the Commissioners and answered questions.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve first reading of Ordinance No. 1871, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1667 AS CODIFIED IN § 30.93 OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING FEES. City Planner Woodhull clarified the ordinance.



All in favor. Motion passed.

City Manager Golnar stated that the following are the proposed City/County meeting issues for the 4/8/98.

- With the Refuse Bond Election passing, would the City be interested in full membership on the Refuse District Board?
- Consider joint participation in HVAC engineering study for City/County Building.
- River work - coordination/accumulative impacts/study and funding status.
  - County Projects -
    - MDT Projects
    - City Projects Plans
    - County Flood Plain Regulations and Flood Plain Mitigation Plan Development Status
- Fringe Development Issues -
  - Extra Territorial Jurisdiction for Building Inspection Outside City Limits
  - Improved Coordination of Planning and Zoning in 4 Mile Development Area
  - Site Plan Review Policy Coordination/Consistency
  - Coordination with Livingston Area Transportation Plan
- Preliminary Discussion on Legislative Issues - I suggest we set up a forum with area legislators for a future City/County meeting.

Three other items identified by the County Commissioners include: weed control within the City Limits, Fire Truck emissions and damage to trees and bushes, and review proposed cleaning contract from Montana Clean for 98-99.

Commissioner Dahl questioned if development issues were going to be discussed. Mr. Golnar answered.

Mr. Golnar stated that another issue is the Library cash balance issue.

Police Chief Steve McCann addressed the Commission regarding a complex and intense situation that occurred early last Friday morning involving a suicide perpetrator hold up in a building. Chief McCann wanted to express to the Commission that the Department did an outstanding job and he is very proud of every one of them. He also expressed gratitude to Robert Schmit and the Fire Department, and Clint Tinsley for equipment he allowed the Police Department to borrow as it was very useful in their decision making process.

City Manager Golnar reported that with the resignation of Captain Brack, he has authorized the Police Chief to move forward with filling this position with the next person on the hiring list so that the City can come up to full staffing in the Police Department.

City Manager Golnar included in the packet a summary of preliminary legislative issues for the upcoming session. This includes a summary from Alec Hanson, Executive Director of the Montana League of Cities and Towns in addition to some items that we know will be coming up above and beyond tax related issues. Mr. Golnar would be interested in the Commission's comment and will be talking with area legislatures on a one on one basis prior to any meetings with them as a whole.

City Manager Golnar listed the following pending meetings for the Commissions information and any input they may have for him:

- Mr. Golnar would like Commission members to please hand in any response to the goals questionnaire that was passed out in preparation for next the workshop.
- Mr. Golnar has proposed a 2<sup>nd</sup> and Park Traffic Signal meeting for April 14<sup>th</sup>, but has not heard back from all parties. He will keep the Commission informed.
- Mr. Golnar questioned if any of the Commission members are planning to attend the Local Government Center Workshop on April 29- May 1. Chairman Doyle is the only Commissioner scheduled to attend at this time.
- Mr. Golnar informed the Commission that he is planning on attending the Greater Open Space City Manager's Association Meeting in Vermilion South Dakota from April 22 through April 24.
- Mr. Golnar questioned if any of the Commission members are planning to attend the League of Cities and Towns Meeting October 7-9 in West Yellowstone. Please let him know so that reservations can be made.

City Manager Golnar provided the following items for the Commissions information:

- National Trust for Historic Preservation Video Conference Meeting follow up March 27 letter.
- March 31, 1998 letter regarding Star Addition SID Notice on early payoff distributed.
- Miles Building Pre Inspection Meeting for possible refinancing scheduled for April 10<sup>th</sup> at 2:00 p.m.

- Livingston Braves authorized to move forward with construction of baseball dugouts at Weimer Baseball Park. This will be funded by the Legion Baseball team and will be supervised by our Parks and Building Officials.
- A Indoor Swimming Pool Survey is being distributed by LivingSteps Wellness Center and the Firehall Fitness Center. Mr. Golnar had noted earlier, that it will be interesting to see how the survey comes out and what suggestions this group has for financing both the construction and operation of such a facility.
- A second cable television franchise company is requesting a non exclusive franchise to do business in Livingston. Mr. Golnar is working with the Attorney to develop a franchise ordinance. This company has requested the same agreement as the City has with TCI for the remaining term of their agreement with the City (2005), in order to ensure a "level playing field".

The following calendar of events/activities and meetings were listed for the Commission's information:

- April 6, 7:30 p.m. - Regular City Commission Meeting
- April 13, 7:00 p.m. - City Commission Workshop - Goals Refined FY 98-99 and Beyond
- April 14, 10:00 a.m. - Transportation Coordinating Committee Meeting - City Court Room
- April 15, 7:00 p.m. - Sister Cities Committee - Winan's School
- April 20, 9:00 a.m. - 3:30 p.m. - Financial Risk Management Seminar in Bozeman
- April 22 - 24, - City Manager attends Greater Open Space City Management Association in Vermillion, South Dakota
- April 29 - May 1 - Local Government Center Workshop for Elected Officials - Holiday Inn, Billings Plaza
- Oct 7, 8, & 9, - League of Cities and Towns Convention - West Yellowstone

Commissioner Dahl questioned the City Manager about a Fish, Wildlife and Parks grant that was recently advertised in the Bozeman paper. Ms. Dahl noted that the deadline was April 15<sup>th</sup>. Mr. Golnar responded that he just received the information today.

Commissioner Hall requested a letter of commendation and thanks to Terry Brack in recognition of his many years of service to the Police Department. The rest of the Commission was in agreement.

Commissioner Spanring reported that he enjoyed the tour of the City on March 24<sup>th</sup> and talking with the Department Heads. Mr. Spanring stated that it appears to him that the City is well run with good employees and thanked the people involved with providing the public a good service and hoped that this continues.

Caron Cooper commented on two of the resolutions the Commission passed earlier in the meeting regarding the levee. Ms. Cooper requested that the City explore the real restoration of the levee.

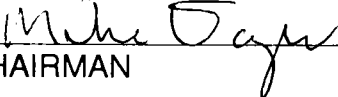
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 8:56 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
April 20, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, April 20, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Before roll call was heard, Chairman of the Commission Mike Doyle stated that there was a handout in the back of the room on procedure and ways to address the Commission.

Commissioners present were Mike Doyle, Pat Mikesell, Sheryl Dahl and Fred Hall. Commissioner Bill Spannring arrived at 7:32 p.m.

Motion was made by Dahl, second by Mikesell, to approve the following consent items. City Manager Golnar requested that the Commission pull the third item off of the lists as it is the wrong letter. An amendment to the motion was made by Dahl, second by Mikesell, to withdraw item C from the consent items.

- Approve April 6, 1998 City Commission meeting minutes.
- Accept Bills and Claims that listed for \$92,874.26.

Amendment passed. Commissioner Fred Hall questioned Eddie Miller on the Tennis Court resurfacing.

Motion was made by Hall, second by Dahl, to pull item D off the consent items. Motion passed. Motion passed on the consent items.

Eddie Miller, Acting Supt. of Public Services answered Commissioner Hall's questions about the tennis court resurfacing. Motion was made by Dahl, second by Hall, to approve the bid from Koch Tennis Court Service for the resurfacing of the tennis courts. Motion passed.

City Manager Golnar referred the Commission to item one in the addendum which was the appropriate letter for consent item C being written to the County agreeing to additional costs for paying for cleaning of the carpets. Mr. Golnar explained the split that the City and County currently pays.

Motion was made by Dahl, second by Mikesell, to approve the draft letter to Park County authorizing the addition to the contract for carpet cleaning.

Motion passed.

Chairman Doyle proclaimed April 19-25, 1998 as National Library Week in the City of Livingston.

Chairman Doyle proclaimed May 6-12, 1998 as National Nurses Week in the City of Livingston.

The following Department Head monthly reports and other minutes were listed for the Commissions information:

Finance Monthly Report, March 1998 (Provided Separately)  
Recreation Monthly Report, March 1998  
Police Chief Monthly Report, March 1998  
Incoming Water & Sewer Revenues, March 1998  
Livingston Fire/Ambulance Monthly Report, March 1998  
Fire Chief Monthly Report, February & March 1998  
Library Minutes, February 19, 1998  
Library Director's Report, February 1998

City Manager Golnar questioned if the Commission was interested in having the Manager included the Transportation Coordinating Committee meeting minutes each quarter. Chairman Doyle stated he would like this included in the packet.

A variance was requested by Linda Sue Churchwell of 406 S. Yellowstone from the side setback requirements for RII zoning districts. Ms. Churchwell wishes to construct an addition onto her existing home which, like the existing structure, would be basically on the side property line. Code requires a five (5) foot side setback.

City Planner Jim Woodhull gave the Commission background information on this request.

Motion was made by Dahl, second by Mikesell, to approve the Churchwell variance request. All in favor. Motion passed.

Jerry Martello was present to answer any questions. Questions were heard from the Commission.

City Manager Golnar reported on a letter that was included in the packet from the Montana Department of Transportation following a meeting last week involving the DOT, members of the Depot Center and other public individuals, identifying that traffic signal will not be installed at the intersection of Park and 2<sup>nd</sup> at this time. DOT will put this project on hold and will move forward with the installation of stop signs on Park Street going east and west. Setback requirements of thirty feet for no parking will also be required.

Mr. Golnar feels that this emphasizes the need for transportation planning and a comprehensive look at the traffic situation and his recommendation falls with the next agenda item which is a letter to the Department of Transportation requesting that a Comprehensive Transportation Study be undertaken.

Mr. Golnar did note that the Commission did receive a letter today dated April 20, 1998 from Dan Kaul of the Murray Hotel which indicated his concern related to the determination made by the Dept. of Transportation.

Commissioner Dahl questioned Mr. Golnar if he has talked with the DOT on whether putting in the stop signs will skew the traffic study or the findings of

that study. Mr. Golnar stated he has not asked that question specifically. More comments and discussion was heard from staff and the Commission.

Mr. Golnar answered Commissioner Mikesell's money concerns.

Mr. Golnar stated that his recommendation is to use the ½ % optional vehicle tax to fund a police car, a Transportation Study and possibly a receipting machine for the Finance Department. These will be one time expenditures which will be non recurring and this fits with the criteria that the City has been using for the ½ % optional vehicle tax. Mr. Golnar stated that the County Commissioners are intending to levy the same amount as last year and if they do, the City can anticipate similar revenues.

Commissioner Mikesell stated he is against paying for a \$10,000 funding commitment for a study as he can see other ways to use \$10,000 in the City.

More discussion was heard.

Motion was made by Dahl, second by Hall, to direct the City Manager to address a letter to the Montana Department of Transportation highlighting the City's concerns. Motion passed.

Motion was made by Dahl, second by Spannring, to approve the \$10,000 funding commitment for FY 98-99 based on assurances that the vehicle option tax will go through. Four in favor, Mikesell opposed. Motion passed.

City Manager Golnar gave background information regarding a request from Bob and Natalie Jenkins to acquire land in the Park Addition, N 75' of lots 1,2, & 3 in Block 36. Natalie Jenkins was present to answer Commission's questions. Commissioner Spannring asked why this request was being made. Mrs. Jenkins stated that the person who put the concrete in for the foundation of her building made a mistake by mis-measuring which resulted in the building being partially on City property.

Discussion was heard between staff and the Commission. Also discussed was why the abandoning of the right of way was denied by the past Council.

Motion was made by Spannring, second by Mikesell, to approve the concept of this acquisition and to make sure the City Water and Sewer Departments inspect for necessary easements.

Motion passed.

Discussion was heard concerning a request from the Livingston Youth Soccer Association for a temporary structure in Sacajawea Park. Eddie Miller, Acting Supt. of Public Services was present to answer questions and to recommend to the Commission that the temporary structure is allowed. Mike Dettori of the Youth Soccer Association was present for any questions.

Motion was made by Dahl, second by Spannring, that the City approve the temporary structure for the Livingston Youth Soccer Association in Sacajawea Park.

Motion passed.

Motion was made by Dahl, second by Mikesell, to eliminate the handicapped parking sign in front of the Senior Center.

Motion passed.

John Hughes and Tony Huiett addressed the Commission with a request that the City Commission grant Livingston Cable Communications a cable franchise under the same agreement as the existing cable provider.

Motion was made by Dahl, second by Spannring, to have an ordinance drawn up for the next City Commission meeting for having the Livingston Cable Communications as a cable carrier in our community.

Motion passed.

A public hearing was held on second reading of Ordinance No. 1870, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REPEALING ORDINANCE NO. 1707 AND REQUIRING SITE PLANS FOR ALL COMMERCIAL AND INDUSTRIAL DEVELOPMENTS OR RE-DEVELOPMENTS IN THE CITY OF LIVINGSTON TO BE REVIEWED AND APPROVED, ESTABLISHING FEES AND A CIVIL PENALTY. No public comment was heard.

An amendment to the Ordinance was made by Dahl, second by Mikesell, to amend Section 3, number 1, item d. Streets and Transportation to read: on-site traffic flow, curb cuts, proposed and existing ingress & egress to the property.....

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

A public hearing was held second reading of Ordinance No. 1871, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1667 AS CODIFIED IN § 30.93 OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING FEES. No public comment was heard.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2893, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE JANUARY THROUGH MARCH 1998, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1997-1998 BUDGET FOR THE CITY OF LIVINGSTON.

Commissioner Hall questioned item #826 in the exhibit. Finance Officer Shirley Ewan stated that this is an added object for a transfer to another fund.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2894, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO



CONTRACT WITH LIVINGSTON JOB SERVICE FOR ON-THE-JOB TRAINING PROGRAM. All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to approve Resolution No. 2895, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CERTAIN EMPLOYEES TO ACQUIRE FEDERAL SURPLUS FROM THE STATE OF MONTANA FOR CITY.

An amendment to the motion was made by Dahl, second by Mikesell, to add Eddie Miller's name to the list. All in favor of the amendment. Amendment passed.

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

Motion was made by Dahl, second by Hall, to approve Resolution No. 2896, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH GATEWAY HOSPICE FOR FIXED RATE AMBULANCE SERVICE.

City Manager Golnar stated a typographical error was listed in the 4<sup>th</sup> whereas that "asset" should be "as set". Mr. Golnar reported on what this agreement was about.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2897, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ABANDON UNUSED AND UNNECESSARY WATER MAIN EASEMENT. City Manager Golnar explained the resolution to the Commission.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2898, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING REVISION TO COLLECTIVE BARGAINING AGREEMENT WITH AFSCME LOCAL 2711A. City Manager Golnar explained the resolution to the Commission.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve Amended Resolution No. 2887, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH LYNN CHAN LANDSCAPE DESIGNER FOR TOPOGRAPHIC MAPPING OF PROPERTY ADJACENT TO LEVEE.

City Manager Golnar stated that this resolution changes the name of Landscape Architect to Landscape Designer as Ms. Chan is not licensed in the State of Montana.

All in favor. Motion passed.

The date of May 30, 1998 will be included in the resolution.

Commissioner Spanning questioned the City Manager if it was prudent to hire someone that was not licensed by the State. Mr. Golnar stated that the main issue was calling someone a landscape architect, they needed to be licensed by the State to do that. But if they are designated as anything but a landscape architect and perform work for the City, they can do that. Mr. Golnar stated that Ms. Chan is capable of doing the job.

Chairman Doyle called for a recess at 8:57 p.m. to review the maps regarding the levee landscaping plan with Lynn Chan. The Commission came back into open session at 9:15 p.m. Extensive discussion was heard by Staff, the City Manager and Commission on the long term versus the short term of the levee.

Motion was made by Hall, second by Dahl, that by next meeting there is a minimal interim landscape plan for the Park and levee, including costs.

All in favor. Motion passed.

City Manager Golnar noted that a temporary person will be filling in for the Administrative/Recording Secretary position. Mr. Golnar introduced Donna Jenkins to the Commission.

Included in the packet was a April 11, 1998 letter from Nelson Engineering responding to questions at the last Commission meeting about the rip rap size and quality. All permitting is ready to allow to move forward with this project.

For the Commission's information was a description of the Corp of Engineers cumulative effects study funding request issued by Senator Burns Office encompassing the upper Yellowstone River.

The Yellowstone River Task Force river inventory will take place on April 20-23, 1998.

City Manager Golnar summarized a few items from the recent Transportation Coordinating Committee meeting. A proposal was submitted by Fisher and Associates for potential landscaping around the Interstate entrances and exits on to Park Street.

Mr. Golnar stated that the Bike Path project was discussed and the City's latest change order in the engineering services was reviewed. He hopes to have a revised lease agreement with MRL with costs for insurance requirements for the Commissions review and approval at a future meeting.

City Manager Golnar reported that a Fish, Wildlife and Parks Trail Grant deadline for grant funding was April 15<sup>th</sup>. Due to receiving the information late, the City did not have time or the plans available to assemble a competitive application. Mr. Golnar stated that the City should plan to seek assistance from this source in the future.

City Manager Golnar reported that the Livingston FY 92 Community Development Block Grant for Housing Community Revitalization received final close out effective April 10, 1998.

City Manager Golnar informed the Commission of a Utility Survey and Energy Pilot Program provided by Alec Hanson of the Montana League of Cities and Towns. Included was information identifying the request for a pilot program to study the impacts of deregulation on the electricity industry on costs of electricity to municipalities. Mr. Golnar will be proposing that Livingston be included in this study.

City Manager Golnar reported that the Insurance Committee is in the process of discussing our approach in reviewing potential health insurance coverage for the next fiscal year and beyond. Mr. Golnar stated that he would like to review with the Commission, their position on his signing a letter of representation for an agent or agents to be the City's designated representatives for securing health insurance quotes in order to expedite and simplify the process.

Commissioner Mikesell stated he would like the Manager to stay locally. Commissioner Dahl questioned the City Manager on hiring someone to get the City's insurance, with Mr. Golnar explaining.

Commissioner Hall requested that the Chairman call a meeting of the Infrastructure Committee for a meeting in the near future. Mr. Hall explained his reasoning.

Motion was made by Hall, second by Mikesell, this coming year, the City no longer ticket people involved in the street sweeping program and simultaneously along with that, the Commission instruct City Departments to come up with a alternate street sweeping plan that will make for a more effective street sweeping.

Mr. Hall explained why he made this motion and feels that what is currently being done, is not effective.

City Attorney Bruce Becker stated that the ordinance would have to be amended to accomplish this and since this is not an agendaed item, it would need to formally be brought back to the Commission for action.

An amendment to the motion was made by Dahl, second by Hall, by including an amendment to the ordinance to be brought back along with the change in the plan of the street sweeper.

Commission Hall rescinded his motion and was seconded by Dahl, with Mr. Hall stating that he would like to see a plan brought forth by City Staff for the Commissions consideration at the next meeting based on discussion tonight to improve the effectiveness of the Street Sweeping Program. Motion passed.

Commissioner Dahl stated that she had asked the City Manager to look into the Scrub Tub's landscaping, that there is an ordinance on the books. Mr. Golnar

stated he has reviewed this with the City Planner and asked him to give the Commission an update. Mr. Woodhull responded that he did not have the plans with him, but will bring them to the next meeting. He went on to say, that there is no public frontage on any public roadway and that is why the landscaping was not required.

Ms. Dahl suggested an amendment to the ordinance.

Commissioner Dahl asked the City Manager to contact all parties involved when a meeting occurs. Ms. Dahl stated she received a few phone calls of people involved with the street light issue and they were not included in the meeting.

Commissioner Dahl thanked the Police Association for the wonderful time she had at the Policeman's Ball held on April 18<sup>th</sup> and for the tickets.

Commissioner Mikesell stated that he has been contacted by some people who live in the Werner Addition concerning the intersection of Crawford and 14<sup>th</sup> Streets by the Hospital. Mr. Mikesell stated that this was addressed a few months ago and now he has received more comments from people who live in the area. This is being brought to the City Manager's attention for a solution, whether it be a 2 way stop, a 4 way stop or something else.

Commissioner Mikesell reported to the City Manager that he believes the packet should be done by noon on Friday's.

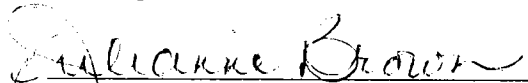
Commissioner Dahl stated that she would like to go on record, that she received a call from a businessman who said that, since the Commission's last worksession, this Commission is now being viewed as a non business, non tourism Commission and she does not believe that is the point that the City wants to get across as they were discussing their goals at the goal worksession.

Chairman Doyle proposed that some sort of public forum or public meeting regarding what the City will call downtown, what will be called Park Street, East Park Street, getting an idea of where the Community would like the Commission to go and the area to look. Mr. Doyle stated that some people have expressed their ideas to this concept.


Mr. Doyle stated that the reason he brought this issue up, is that he feels should run parallel with the traffic studies.

Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed. The time was 10:20 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
May 4, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, May 4, 1998 at 7:30 p.m. in the Community Room at the City County Building. Before roll call was heard, Chairman of the Commission Mike Doyle instructed the audience that if anyone wanted to address an agenda item, and they were not on the agenda, the time limit would be three minutes to comment.

Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring, Sheryl Dahl, and Fred Hall.

Chairman Doyle presented the Consent Items, as follows:

- A. Approve April 20, 1998 City Commission Meeting Minutes.
- B. Accept Bills and Claims that listed for \$56,356.66.
- C. Utility Easement of Yellowstone Homes.
- D. Resignation from Travis W. Chevallier from Historic Preservation Design and Review Committee.
- E. Review Proposals and Award Contract for Audit for FY97-98, FY98-99, FY99-2000.
- F. Extend deadline for Boat Ramp Contract with Bainter Backhoe to May 15.

Items A and C were pulled from the Consent Items by Ms. Dahl. Mr. Mikesell pulled Items E and F from the Consent Items. Mr. Bruce Becker, City Attorney, stated that Commissioners can pull items for discussion from the Consent Items without a motion or vote required.

Motion was made by Dahl to approve Items B and D, second by Mikesell. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the Minutes of the April 20, 1998 City Commission meeting as amended on Page 4, Paragraph 3, by deleting "outlining the possibility of" and adding "for". Five in favor. Motion passed.

After explanation by Steve Golnar, City Manager, motion was made by Dahl, second by Spannring, to accept Item C. All in favor. Motion passed.

Consent Item E was questioned by Mikesell with Shirley Ewan, Finance Director, assuring him that the audit proposals were reviewed thoroughly. Mr. Golnar reiterated that his recommendation was to award a contract for the first fiscal year, with the option to renew for the second and third years using the

prices quoted. Motion was made by Mikesell, second by Dahl, to accept Item E. All in favor. Motion passed.

For Item F, Mikesell questioned whether Bainter Backhoe would be able to meet the May 15 deadline for the Boat Ramp Contract since the river is rising. Mr. Golnar suggested this item be brought back for consideration at the next meeting. Motion was made by Mikesell, second by Dahl, to take no action on Item F. Five in favor. Motion passed.

Chairman Doyle proclaimed the week of May 4<sup>th</sup>, 1998 as Youth Week in the City of Livingston.

A public hearing was held on first reading of Ordinance No. 1872, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP BY REZONING BLOCK 31, LOTS 23-29, PALACE ADDITION FROM RII TO INDUSTRIAL. Charles Kesting offered Mr. Shellenberg's regrets for not being able to attend the meeting in person due to minor surgery and he explained their reasoning for the zone change request. No further comment was made.

Motion was made by Dahl, second by Spannring, to accept Ordinance No. 1872. Five in favor. Motion passed.

A public hearing was held on first reading of Ordinance No. 1873, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE SIGN CODE AS ENACTED BY ORDINANCE NO. 1749 AND AS CODIFIED IN SECTION 30.50 OF THE LIVINGSTON MUNICIPAL CODE. Patty Kiderlen of the Chamber of Commerce spoke on behalf of the Chamber Government Affairs Committee and questioned Section C.7. She stated that the language was not strong enough concerning the grandfather clause and they would like the last sentence eliminated; in Section H., she questioned the permitting process of the Site Plan; and she asked who would be enforcing the Ordinance. Mr. Golnar answered that the person enforcing would be the Building Inspector.

Motion made by Mikesell, second by Spannring to accept Ordinance No. 1873. Discussion ensued with Jim Woodhull, City Planner, defining Section G.7.4.a. for Ms. Dahl.

An amendment to the Ordinance was made by Dahl, second by Hall, in Section G.7.4.a. by deleting the change which read "and which do not extend farther than three (3) feet from the building being advertised". Five in favor. Motion to amend passed.

Discussion continued referencing Section H. Variance Parameters for Signs, with questions being asked by Commissioners Hall and Spannring, and addressed by Chairman Doyle, Commissioner Dahl, Commissioner Mikesell, and City Planner Woodhull, with further explanation by Barb Williams, a citizen, former Council member, and Zoning Commission member. Dahl asked if Ms.

Kiderlen's points were going to be discussed. Discussion continued by Woodhull referencing Section C.7. He stated that there is no change proposed by this Ordinance to the regulations. Ms. Dahl again addressed Ms. Kiderlen about her questions regarding Section H. and the need for sign parameters. Woodhull explained.

Dahl, Spannring and Doyle in favor. Hall and Mikesell opposed. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2899, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE. Five in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2900, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TRANSFERRING UNENCUMBERED BALANCE OF APPROPRIATIONS WITHIN THE SAME FUND. All in favor. Motion passed.

Mr. Golnar summarized Action Item A's request to accept the proposal for \$2900 of Additional Work for Surfacing the Tennis courts by Koch's Tennis Court Service, and recommended that the contract be extended to complete work that was initially intended for next year, with total expenditures being \$12,200 for tennis court work this year.

Motion was made by Dahl, second by Spannring, to approve Item A. Five in favor. Motion passed.

Action Item B. Consider Co-Sponsoring Local Economic Development Workshop was explained by Mr. Golnar, who, with the Chamber of Commerce and Park County Economic Development Corporation and some department heads, developed an agenda for a 1-day worksession on local economic development. Mr. Golnar requested a commitment from the City Commission regarding this Item. Matt Long commented that PCEDC would research the possibility to support this endeavor with some block grant money. Mr. Golnar stated that the maximum cost to the City would be \$500. Mr. Long also commented that they were considering Dixie Swenson, former Executive Director of the Gallatin Beltman Corporation and a consultant in the private sector, to be the Third Party Facilitator.

Motion was made by Spannring, second by Dahl, to approve co-sponsoring a local Economic Development Workshop. All in favor. Motion passed.

Action Item C. Review Tax Abatement Request for Econo Lodge. Mr. Golnar commented that the City had received a request and an application was

completed from Econo Lodge for tax abatement, which was reviewed by the City Attorney. Notification was also received from the County that they had denied the tax abatement request, based on their conclusion that Econo Lodge does not qualify under the definition of an "industry" under MCA Section 15.24.1012, in the County Attorney's opinion. The City Attorney also consulted with the Department of Commerce in reviewing the tax abatement laws. Based upon his research, his recommendation was that, if the City is are going to be considering tax abatements, it may want to create a policy which states clearly when the City does issue a tax abatement and when it does not. Mr. Golnar recommended that action on this tax abatement request be postponed until after a policy is developed by the City outlining under what circumstance such abatements will be granted. City entities that have been granted tax abatements in the past are Cenex, Dairy Queen, Livingston Credit Union, McDonald's, LRC, and Yellowstone Motor Inn. Mr. Spannring asked how much this tax abatement would affect the city funds. Mr. Golnar explained that the Econo Lodge request was for tax abatement on a list of identified equipment; reducing the valuation of the equipment by 50% for the first five years and then for years 6 through 10, the valuation increases by 10% per year until the 10<sup>th</sup> year when it is taxed at 100%. Ms. Dahl commented that they were already given a tax break by the state. Mr. Hall said that if economic development is going to be a goal of this Commission in the future, tax abatement almost has to be part of the plan. Mr. Mikesell concurred with Mr. Hall.

Mr. Spannring moved that this tax abatement request from Econo Lodge be tabled until a plan is in place for tax abatements, with the first draft due in sixty (60) days, second by Dahl. Five in favor. Motion passed.

Action Item D. Review and Approve Scaled-Down Plan for Levee Development and Costs. Mr. Golnar recommended pursuing a scaled-down version of this development for the short term, total costs of which would amount to \$65,251. Absent any other financing, this project would take about three and one half years to finance using the emergency mill levy as a funding source. This plan includes four ramps which are located at 9<sup>th</sup> Street and River Drive; at the Baseball Field by John Long's fence; at the Sacajawea Park Triangle; and at River Drive and Park Drive. The plan also includes putting an all-weather surface on the levee and sections of landscaping proposed on a project type basis. In reference to the U.S. Army Corps of Engineers' study on the impact of the levee on the flood plain, we are about seven weeks away from a determination. Eddie Miller, Acting Public Services Superintendent, commented that the ramps would need to accommodate vehicle access during flooding and the replacement of rip rap, a key concern during floodfights.

Mr. Hall made a motion to accept management's scaled-down plan as presented, with the understanding that it will be executed over three years as funds become available and that management will use their judgment in prioritizing work to be done. Second by Dahl.



Mr. Scott Nelson addressed the Commission and said that the cost estimate is definitely on the high side, rather than being conservative, and the Commission should take that into consideration.

Five in favor. Motion passed.

Action Item E. Authorize City Manager to Seek Health Insurance Broker Services for Evaluating Employee Health Insurance Costs. Mr. Golnar explained that the City has been notified by the League of Cities and Towns Pool and Blue Cross and Blue Shield that there will be a 7% increase in rates and, he feels, seeking the evaluation of a broker would be the most efficient way to review the various alternatives for health insurance to the MMIA Health Insurance Plan that the City is currently under. The tentative schedule for health insurance provider selection was presented, with a final recommendation to be given at the June 1 City Commission meeting.

The Commissioners agreed to allow the City Manager to seek health insurance broker services for evaluating employee health insurance costs.

Action Item F. Discuss Refuse District Board Full Membership by City. Mr. Golnar recommended that the City Commission designate a representative (the City Manager or his designate) to attend the Refuse District Board meetings on a regular basis, until the legal ramifications of being full members of the Refuse District Board can be addressed. Mr. Becker is in the process of researching this issue. The Commissioners gave their approval to Mr. Golnar's recommendation.

Action Item G. Approve Revised Letter to Montana Department of Transportation Regarding Livingston Area Transportation Study Proposed Scope and Joint Funding Commitment. Mr. Golnar drafted a letter to Patricia Saindon, Administrator, Transportation Planning Division, proposing the scope of work for the Livingston Area Transportation Study, with the Livingston City Commission committing up to \$10,000 in matching funds, Park County Commission committing up to \$4,000 in matching funds, and MDT providing up to \$20,000 in matching funds to complete this study.

The Commissioners authorized sending the letter, with the approval of the County Commissioners.

Action Item H. Appoint Commission COP (Community Oriented Policing) Representative. Two representatives were initially appointed, being Ms. Dahl and Barb Williams. Since Ms. Williams had left the Commission, another person from the Commission needed to be appointed. Chairman Doyle volunteered to join Ms. Dahl on this Committee.

Mr. Golnar reviewed the City Manager Comments presented to the Commissioners in their meeting packets and explained that he will be advertising

for applicants for Police Commission Appointment and hopes to have a recommendation by the next Commission meeting.

He presented the Community Oriented Policing issues, and emphasized upcoming meetings including Team Training for Community Oriented Policing on May 7, in Helena. He also explained the MMIA offer of liability insurance coverage for skate board facilities, a concern of the COP members.

Mr. Golnar highlighted the Transportation Coordinating Committee related activities, directing attention to the Love's Lane project, and the Department of Transportation agreement to secure approximately 10 feet by 30 feet of median area both north and south of the interstate for planting of vegetation, and the plan for the Utilities Department to extend services both to the median areas and across to the rotary grass areas on either side of the interstate. Cost for extending these services would probably be eligible under CTEP funding but he was unsure whether the cost is sufficient enough to justify going through the CTEP grant administration process.

On this same subject, Mr. Golnar introduced two letters to Jason Giard, of the Montana Department of Transportation; one from Mr. Golnar and one from Karl Knuchel, Attorney at Law, addressing the Park and 2<sup>nd</sup> Street Traffic Signalization Study.

Additionally, Mr. Golnar described the shoring purchase authorized for the Water and Sewer Departments to enhance employee safety; presented information on the LRC-CDBG collateral requirement waiver for 1998; and mentioned the calendar of upcoming events and activities.

Mr. Mikesell informed the Commissioners that he had received several calls and many comments in support of keeping the flower triangle in Sacajawea Park.

Mr. Spannring had a major safety concern about the big ditch on the north side of town, stating that the wood covering was in very poor condition, with parts caving in. He suggested that the covering should be removed. Mr. Miller addressed the Commission and said he had been in contact with the Dave Houg of the Livingston Ditch Association, but they are under budget restraints and unable to do anything. Mr. Becker stated that we have an additional problem with the bridges over the ditch, but that the Livingston Ditch Association has no resources on which to rely to fix the problems. Mr. Hall suggested pursuing the attempt to get the ditch repaired as soon as possible, through whatever means available, and Chairman Doyle agreed.

Ms. Dahl wanted clarification on the procedure for accepting the Consent Items on the Agenda. Mr. Becker explained that any item can be removed by a Commissioner for discussion, with action being taken on Items at one time.

She also requested that the City/County meetings be recorded, to ensure accountability of actions taken.

She also wanted a list of the City Committees the Commissioners are on and their meeting dates.

Mr. Golnar explained to Ms. Dahl that the cable franchise issue was not presented at the meeting due to time constraints, but would be presented at the next meeting.

Chairman Doyle attended the Local Government Municipal Officials Workshop in Billings and felt it was very informative.

Chairman Doyle also proclaimed the week of May 10<sup>th</sup>, 1998 as Preservation Week in the City of Livingston.


There being no Public Comments, motion was made by Mikesell, second by Dahl, to adjourn the meeting. Motion passed.

The time was 10:10 p.m.

ATTEST:

  
Acting Recording Secretary

APPROVED:

  
Chairman

LIVINGSTON  
CITY COMMISSION MEETING  
MAY 18, 1998  
7:30 P.M.

The Livingston City Commission met in regular session Monday, May 18, 1998 at 7:30 p.m. in the Community Room at the City County Building. Chairman of the Commission Mike Doyle reminded the audience that persons who were not on the agenda specifically were limited to three minutes for Public Comment. To avoid any undue disorder, he also reminded them that Public Comment was not debate and comments should be made to the Chair.

Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring, Sheryl Dahl, and Fred Hall.

Chairman Doyle read the Consent Items:

- A. Approve May 4, 1998 City Commission Meeting Minutes.
- B. Accept Bills and Claims that listed for \$75,468.06.
- C. Extend Deadline for Boat Ramp Contract with Bainter Backhoe to August 31, 1998.

Motion was made to accept the Consent Items by Ms. Dahl, second by Mr. Mikesell. All in favor. Motion passed.

Chairman Doyle proclaimed Friday, May 22, 1998 as American Legion Auxiliary's Poppy Day in the City of Livingston.

The following Department Head monthly reports and other minutes were presented to the Commission:

- Finance Monthly Report, April, 1998 (Provided Separately)
- Building Department Report, March, 1998
- Building Department Report, April, 1998
- City Court Monthly Report, April, 1998
- Fire Chief Monthly Report, April, 1998
- Fire/Ambulance Monthly Report, April, 1998
- Police Chief Monthly Report, April, 1998
- Recreation Year to Date Report, 1997/1998
- Zoning Commission/Board of Adjustment Minutes, May 12, 1998

City Manager Steve Golnar asked if there was any discussion on these reports. Chairman Doyle asked if there were any reports missing; it was decided that the Water Department Monthly Report was not included and Mr. Golnar said it would be presented at the next meeting.

A variance was requested by Theresa Wirtz, for property she owns at 109 South M Street, from sidewalk setback requirements for RII(MH) zoning districts. She wished to build a second story addition onto her home which would match the existing line of the house at 22 inches from the side property line. Code requires a five (5) foot side setback.

City Planner Jim Woodhull clarified this variance request and stated that the Board of Adjustment recommended approval of this variance with the condition that no windows be allowed on the north side of the structure.

Ms. Wirtz addressed the Commission, stating that she and Bruce Gilman owned the property in question. She presented a petition of neighbors in the immediate area supporting this request. She did not believe there would be any hardship on any of the neighbors' view. Without the variance they would be forced to move in the north wall approximately three feet and move the south wall out into the existing driveway, which would cause a three-way hardship for them; the loss of the north bearing wall, losing part of the driveway and off street parking, and the financial cost of losing the main structured wall. She said that they were trying to meet their needs for a little more room for their family in a small but affordable way.

Mr. Gilman petitioned that they did actually need one window in the back wall for lighting and ventilation. He offered pictures of the structure for viewing and described each one. He reiterated that the main purpose of the variance request was to retain the bearing wall.

Mr. Spanning asked Mr. Woodhull why there was a request for not having windows on the north side of the structure. Mr. Woodhull explained that it was because of the proximity and the objection of the neighbor to the north, and that the Board had compromised to allow the second story, but, at the same time trying not to infringe upon the privacy of the property owners to the north.

Linda Marr, a neighbor, spoke in support of the variance request. She did not feel that the second story would obstruct the view, little privacy would be affected, and that it was nice that someone was willing to improve their property.

Ms. Dahl made a motion to approve the Wirtz variance request with the condition that no windows be allowed on the north side of the structure. Second by Mr. Hall. All in favor. Motion passed.

William Venable, owner of property at 621 East Gallatin Street, requested variances from the front, side and rear setback requirements for RII zoning districts.

Mr. Woodhull stated that Mr. Venable wants to build two additions onto his house which would match the existing lines of the house at 2 ½ feet off of the side property line and 7 feet off of the front property line. Code requires a five (5) foot side setback and a twenty-five (25) foot front setback. He also wished to reconstruct his garage in its current location on the rear property line. Code requires a five (5) foot rear setback. The Board of Adjustment recommended approval of this variance request.

Mr. Spanning made a motion to approve this variance request, second by Mr. Dahl. All in favor. Motion passed.

Michelle Morris, owner of property located at 207 and 211 West Chinook Street, requested a variance from the side setback and minimum lot size requirements for RIII zoning districts.

Mr. Woodhull explained that she wishes to relocate the common boundary between these two houses to allow the house at 207 to actually own the garage which is attached to it. Currently, the garage is on the same deed as 211. In doing this, the side setback between the houses would become less than 5 feet. Code requires a five (5) foot side setback. Both lots are currently smaller than the 3500 square foot minimum established by Code. This action would increase the size of 207 and decrease the size of 211, with both remaining non-conforming lots.

Ms. Dahl made a motion to approve the Morris variance request, second by Mr. Mikesell. All in favor. Motion passed.

Mr. Jess Miller, owner of property located at 508 North B Street, requested a variance from the front setback requirements for RII zoning districts.

Mr. Woodhull explained that Mr. Miller wishes to build a garage onto his existing home which would extend to twelve (12) feet from the front property line. Code requires a twenty-five (25) foot front setback. The Board of Adjustment recommended disapproval of this variance request.

Mr. Miller commented on his request and stated that it would aid the overall appearance of his property, with the only objection from Mr. Wally McGee, whose property is 22 feet from where the garage would be on the downhill side. Mr. Miller said he had no where else to put a garage and it was much needed.

Mr. McGee addressed the group and said that the request was rather difficult for him and felt that Mr. Miller had six years to make room in the back for a garage and that his property had been devalued by Mr. Miller's lack of pride in his property. He also mentioned that the shed of water was a problem from Mr. Miller's property.

Mr. Doyle asked Mr. McGee if he would characterize his relationship with Mr. Miller as a friendly one. Mr. McGee said it was not. He said he had asked Mr. Golnar to look at the property.

Mr. Golnar responded that his primary involvement in looking at the property was not related to the variance request but instead to a concern about city garbage, alley access, and right of way concerns.

Mr. Hall questioned Mr. Woodhull if the house in question was within Code. Mr. Woodhull stated that all the houses in that area meet the setback requirements. He further stated that it seemed that this variance would take a house that was in compliance and make it non-conforming.

Mr. Mikesell questioned Mr. Woodhull, if this variance were approved, could a stipulation be attached that the garage would be built to Code? Mr. Woodhull said that building permits do have a time limit.

Mr. Doyle asked Mr. Woodhull if the Board sends letters of notification and Mr. Woodhull said that everyone within 300 feet of the subject property is notified by mail. No others had spoken against the variance request.

The Board of Adjustment recommended disapproval because protest was made at their hearing. Mr. Doyle stated that all the Findings of Fact met variance criteria.

Ms. Dahl made a motion to approve the Miller variance request. Second by Mr. Spanring, with an amendment that the garage must be finished, sided, and roofed in a reasonable amount of time, specifically one (1) year. A second was made by Ms. Dahl to the Amendment. Four in favor, Hall opposed. Amendment motion passed. Main motion, four in favor, Hall opposed. Main motion passed.

A public hearing was held on second reading of Ordinance No. 1872, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP BY REZONING BLOCK 31, LOTS 23-29, PALACE ADDITION FROM RII TO INDUSTRIAL. No public comment was heard.

All in favor. Motion passed.

Public Hearing was opened on second reading of Ordinance No. 1873, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE SIGN CODE AS ENACTED BY ORDINANCE NO. 1749 AND AS CODIFIED IN SECTION 30.50 OF THE LIVINGSTON MUNICIPAL CODE.

An amendment to the Ordinance was made by Mr. Hall, to reinstate Section L. Interstate Highway Sign District in total with one exception being in Item 2 to change "not exceed thirty feet in height" to "not exceed fifty-five feet in height". Second by Mr. Mikesell. Discussion ensued with Mr. Hall addressing the issue of economic development and viewing the interstate area as a separate business district with different needs relating to signs. He directed comments to Mr. Spanring regarding the "anti-business" attitude of the Commission and Livingston's proposed restrictive sign policy. Ms. Dahl also responded to Mr. Hall's comments stating that as a business owner, not in the commerce hub but rather the downtown hub, she is under very restrictive sign codes and that our own Chamber of Commerce was not in support of the fifty-five foot signs. Since the new sign code went into effect, every variance request has been denied; therefore, the change to the Ordinance reflects the look that the City of Livingston wants and uniformity of requirements for all business owners. Mr. Mikesell responded that the downtown business area should not be compared to the interstate commercial area, since there is a hardship there. Mr. Hall stated that we should recognize in one small zone the hardship and the

special nature of the interstate and we should make it easy for businesses to operate. He continued that fifty-five feet is not an unreasonable sign size, but relatively small compared to most signs along the interstate. He felt that we were sending anti-business signals from Livingston, but Ms. Dahl strongly disagreed with him. She stated that just because we are saying a business can't have a fifty-five foot sign does not mean we don't want their business. Mr. Spannring agreed that Mr. Hall had some good points, but felt it would only hurt business in the short term not to have tall signs, but, in the long term, we would be creating an atmosphere for a area that looks different from other places, which may create and improve business. He also felt that during the summer it would not matter what kind of signage you have, business in that area will make money; the problem being that, in the winter, the taller signs would draw people off the interstate; but he still felt that by not allowing the taller signs, we would create an atmosphere that would make our community better. Mr. Doyle felt that people will patronize businesses off the interstate no matter what, because it is a developed area.

Amended motion made by Mr. Hall, second by Mr. Mikesell. Two in favor. Spannring, Dahl and Doyle opposed. Motion denied.

Discussion on the main motion ensued. Mr. Hall said that Mr. Doyle's comments were rather adamant for someone who derives his living from resources outside of Livingston and suggested he speak to some of the people in the area in question before he becomes so strident on restricting their ability to make a living.

Three in favor of the main motion. Mr. Mikesell and Mr. Hall opposed. Motion passed.

Motion was made by Ms. Dahl, second by Mr. Mikesell, to approve Resolution No. 2901, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AUDIT CONTRACT WITH OLNES & ASSOCIATES. All in favor. Motion passed.

Motion was made by Mr. Spannring, second by Ms. Dahl, to accept Resolution No. 2902, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BLUE CROSS FOR HEALTH INSURANCE FOR FY 98-99. All in favor. Motion passed.

Motion was made by Ms. Dahl, second by Mr. Mikesell, to approve Resolution No. 2903, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO MAKE APPLICATION FOR A GRANT OF \$64,000.00 FROM THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR PIPING THE LIVINGSTON DITCH AND TO ENTER INTO A CONTRACT WITH THE DNRC IF APPROVED. All in favor. Motion passed.



Mr. Golnar led into the discussion regarding concerns voiced about Park and 2<sup>nd</sup> Street stop signs and possible alternatives. Mr. Jason Giard, District Administrator, Montana Department of Transportation, addressed the Commission and stated that the decision on this intersection will not be made until after the July 14, 1998 Transportation Coordinating Committee meeting. Mr. Golnar stated that Mr. Giard had answered all letters questioning the proposed installation of a 3-way stop at this intersection. Mr. Golnar asked Mr. Giard about the response to the use of the CTEP money for the historical upgrade of the traffic signal which was \$20,400. He also stated that because this project was not moving forward at this time, the County was looking to use that money somewhere else, and Mr. Golnar questioned where that money would come from in the future if it was determined that a traffic signal would be the appropriate solution. Mr. Giard answered that with the new highway bill and proposed regulations that go along with it, the CTEP money would not qualify for enhancement money to put in the historic signal in the future. Ms. Dahl asked Mr. Giard why the highway department was not interested in the "no left turn" option and he responded that it wasn't that they were not interested, it just was not the best solution. The optimum solution would be to have cars turn at the nearest left turn signal, but since Livingston did not have any traffic lights with left turn signals, the improvement study would include a recommendation to upgrade the traffic signals in Livingston with left turn signals. His thought was that if you put up a No Left Turn, traffic will simply go to another location to make a left turn that is equally unsafe. Mr. Mikesell suggested that putting a No Left Turn sign on 2<sup>nd</sup> Street would simply divert more traffic flow to Main Street, causing people trying to get off Main Street onto Park Street would have less chance of getting onto Park Street with a left hand turn. He also asked if Second Street was going to be studied any more. Mr. Mikesell presented a solution suggested to him by citizens of having no parking on the first four stalls east and west on Park Street off Second Street. Mr. Giard agreed that would be a good solution but it was the decision of the Livingston City Commission.

Mr. Hall questioned whether we were not exchanging one safety problem for another by installing a stop sign in a location where it would not be expected. Mr. Giard said that typically the first traffic control devices that are put up if a signal is warranted would be stop signs, but he agreed that with stop signs or a signal, the number of accidents at that intersection would increase regardless, with the signal being the better choice because it can be regulated. Mr. Hall suggested that nothing be done until after the Traffic Study is completed.

Mr. Spannring's questions about how long before the Study would be done was answered by Mr. Giard that it was contingent on when funds were forthcoming and the study could possibly be completed within a year. Mr. Spannring also wanted to know if, in the interim, there was anything we could do to control traffic in the area for safety purposes other than stop signs. Mr. Golnar said that one of the questions he had broached with Mr. Giard earlier was the possibility of No Left Turn Signs both off of Second Street and also off of Park Street which would assist with limiting accident potential. Another would be

to highlight and emphasize the crosswalk in that area that crosses Park Street. Mr. Giard was asked what alternatives could be pursued to enhance the safety of that crosswalk. Mr. Giard said he did look at that when he drove in and suggested enhancing and enlarging the pavement markings to make it more visible. Ms. Dahl also suggested that there should be a Pedestrian Crossing sign between Main and Second Street.

Mr. Golnar asked Mr. Giard to elaborate on the roll of the TCC regarding the stop sign installation. Mr. Giard said that the Transportation Coordinating Committee had been involved since the beginning of the discussions and would certainly support any consensus of the Commission.

Mr. Giard felt that the Traffic Study should commence as soon as possible to accumulate data on the entire area so that a solution could be presented to the community.

Mr. Mikesell would like the No Parking Zones addressed and Mr. Spannring asked how the affected business owners felt about losing parking spaces. Mr. Golnar said most of those business owners were present at the meeting. Mr. Dan Kaul, owner of The Murray Hotel, said that the entire situation should be assessed before parking spaces were taken away, since it would be devastating to remove parking spaces from an area where more parking spaces were needed. Mr. Co Engelhart, of the Masonic Lodge, also spoke before the Commission and, after observing the traffic patterns for three days, concluded that visibility is very much impeded and eliminating parking spaces on the corners would be an appropriate solution.

Ms. Dahl suggested that Staff should evaluate eliminating parking spaces.

Ms. Dahl made a motion that the City of Livingston to move forward on the Park and 2<sup>nd</sup> Street issue by encouraging the installation of pedestrian crossing signs and the crosswalks to be highlighted and hold off on the stop signs and signalization until the Traffic Study is completed. Mr. Spannring seconded. All in favor. Motion passed.

Action Item B. Authorize Chairman of Commission to Sign Langley Subdivision Plat of Lots 1 through 8 and 29 through 32, Block 40, Minnesota Addition, was discussed by Mr. Golnar, after Mr. Woodhull passed out copies of the subdivision plat which was approved on October 7, 1996, and he stated the conditions which were identified by the City Council at that time have been met; therefore the recommendation. Mr. Mikesell and Mr. Spannring questioned whether there were curbs, gutters and paved streets in this subdivision, and, if not, they would not support approval of this Action Item. Mr. Woodhull said that the fact of the matter was that this subdivision had already been granted preliminary approval through both the Planning Board and City Commission at the time and since conditions have been met which were laid down at that time, they have a right to file this plat within two years, and no new conditions can be placed upon it. He also stated that withholding approval is inadvisable. Mr. Bruce Becker, City Attorney, concurred.

Mr. Spannring was concerned that the City doesn't have sidewalks where sidewalks should be and felt that the people in this subdivision would never put them in. Mr. Becker assured the Commission that a separate law existed whereby the City could order sidewalks to be put in. Mr. Clint Tinsley, Superintendent of Public Utilities, stated that even though all subdivisions and developments do not have sidewalks, curb and gutter, they have signed a Protest of S.I.D. and it is the City's right to require them to have sidewalks, curb and gutter, and paved streets, when felt necessary. The City Council, with the Planning Board and the DRC, decided they would not require sidewalks, curb and gutter, and paving until the areas were 60% built out. The Langley Subdivision does have a Waiver of Protest of S.I.D., and, by decision of the City Council at that time, if signatures of 75% of the people that live there are obtained, sidewalks can be put in.

Motion was made by Ms. Dahl, second by Mr. Spannring, to authorize the Chairman of the Commission to sign Langley Subdivision Plat of Lots 1 through 8 and 29 through 32, Block 40, Minnesota Addition. Four in favor, Mikesell opposed. Motion passed.

Action Item C. Approve City Staff's Assembly of Proposed Donated Playground Equipment for Sacajawea Park was reviewed by Mr. Golnar, who directed attention to the letter from a representative of Hardee's of Livingston identifying they would like to raise funding of approximately \$31,000.00 for playground equipment for Sacajawea Park, but that they would need the City to donate the time to assemble this equipment. Their goal is to have the equipment purchased and ready for assembly by July 1, 1999. Mr. Eddie Miller, Acting Superintendent of Public Services and the Park Foreman, has agreed that the City workers would be available to assemble the equipment. He also confirmed that some of the other equipment in Sacajawea Park needs to be replaced and/or repaired.

Ms. Dahl made a motion to authorize City staff to assemble playground equipment to be donated by Hardee's on or before July 1, 1999. Second by Mr. Mikesell. All in favor. Motion passed.

At Ms. Dahl's suggestion, Mr. Golnar agreed to write a thank you letter to Hardee's along with notification of approval of City staff equipment assembly.

Action Item D. Approve Decertification of City Enforcement of Uniform Plumbing Code was discussed by Mr. Golnar, who introduced a draft letter to be sent to the Montana Department of Commerce Building Codes Bureau requesting decertification of City enforcement of Uniform Plumbing Code, 1991 edition. He also directed attention to the enclosed copies of related legislation which requires certification of plumbing inspectors by July 1, 1998, stating that our current staff is not certified in plumbing inspection, nor are they licensed plumbers, therefore this work cannot be done. He asked Mr. Woodhull what the impact of losing the ability to inspect plumbing would be on the City and who would be doing the inspections on residential structures. Mr. Woodhull said the State inspector would not look at residential structures, only commercial or if

there were five or more units. If the City were certified under the new law passage, several responsibilities could not be addressed, i.e. whatever agency is enforcing the plumbing code is also required to report to the Department of Commerce and keep track of state licensing of plumbers, which would be difficult, time consuming and legally inadvisable. As far as the revenue loss that the City might experience, he said it was negligible and the plumbing fees are built into the building fees that we charge now for regular building code inspection. Basically, the change in the revenue and the service provided to the citizens would not warrant the expense and difficulty of certifying our inspector in plumbing.

Mr. Hall made a motion to approve sending a letter requesting decertification of City enforcement of the Uniform Plumbing Code. Second by Ms. Dahl. All in favor, motion passed.

Mr. Golnar commented on information he included in the Commissioners' packets relating to the historic post office remodeling plan, which he felt they would be interested in.

In respect to the list of City Boards, he said it is being updated and will include dates of meetings.

He reviewed the economic development related topics and stated that planning for the Economic Development Forum continues, with possible dates being June 23 and June 24, based on speaker availability. The tax abatement request submitted by Robert and Juanita Fatouros for Econo Lodge is being coordinated with the tax assessor's offices to assure that the City meets timelines associated with being able to grant the request this current fiscal year, which may require a decision by July 6, 1998, which is the deadline requested by the Commission for the first draft of the Tax Abatement Policy.

He directed attention to the advertisement for the Historic Preservation Design and Review Committee members and asked for the Commissioners' help in finding people to fill those slots.

In reference to the police related issues, Jeremy Lord was appointed Captain of the Police Department effective May 16. He also referenced the May 14 memo from the Police Chief relating to complaints on the rotational towing service schedule, requesting that all such complaints be directed to the Police Chief. He felt that the Commission should be aware of this situation pending future problems.

On the Calendar of Events and Activities, Mr. Golnar highlighted the Chamber of Commerce Membership Meeting on May 21 at 6:00 p.m., where the bed tax will be discussed with members of the Legislature.

Ms. Dahl asked if budget sessions were being scheduled and Mr. Golnar concurred that in the next few weeks this will be done.

Mr. Mikesell questioned why there is still no grass growing on the levee. He also mentioned getting a complaint about the "T-Alley" between B and C Streets, that

are in very bad condition. He also stated that if the Traffic Study was done within a year, he would be surprised.

Ms. Dahl questioned Mr. Becker regarding the Variance Requests and whether the Commission was suppose to accept the Fact Finding before approving the Variance Requests. She suggested that a Policy for Commission review of variances be established.

Mr. Hall reiterated his request for a meeting of the Infrastructure Committee and Mr. Tinsley said the meeting was scheduled for Wednesday, May 20, 1998, at 4:00 p.m. at the Utility Shop. He also questioned where the rereading of the Street Sweeper Ordinance was and Mr. Golnar said that will be on the next meeting agenda. He also wanted to know the status of the TV Cable Franchise Agreement and Mr. Golnar said is was being reviewed with the TV cable franchise proposers and something will be presented at the next meeting. Mr. Becker said that since this is a major piece of legislation, it would take some time to develop.

Mr. Spanning asked what the law states concerning the requirement of sidewalks in high traffic areas. Mr. Hall said an appropriate method would be to create a Sidewalk District. Mr. Becker said he would have a memo regarding this subject for the next meeting and Ms. Dahl emphasized that any monetary funds required for this issue would need to be included in the upcoming budget.

Chairman Doyle requested that the Zoning Commission bring to the City Commission a plan for amortization of signs which are not in accordance with the current sign code.


Chairman Doyle asked for Public Comments and Mr. Engelhart addressed the Commission regarding the proposed Traffic Study and felt that a synchronized traffic light would be the best solution and would alleviate the left turn problem. His deep concern was for the safety of people, especially with the beginning of tourist season. Another subject he broached was the paving of L Street, and he requested that this be addressed by the City.

There being no further Public Comments, Ms. Dahl made a motion to adjourn the meeting, second by Mr. Mikesell. Motion passed. The time was 9:34 p.m.

ATTEST:

  
Acting Recording Secretary

APPROVED:

  
Chairman

LIVINGSTON  
CITY COMMISSION MEETING  
JUNE 1, 1998  
7:30 P.M.

The Livingston City Commission met in regular session Monday, June 1, 1998 at 7:30 p.m. in the Community Room at the City County Building.

Commissioners present were Mike Doyle, Sheryl Dahl, Fred Hall, Bill Spanning. Mr. Mikesell arrived at 8:21 p.m.

Chairman Doyle presented the Consent Items:

- A. Approve May 18, 1998 City Commission Meeting minutes.
- B. Accept Bills and Claims listed for \$106,849.64.
- C. Revise Boat Ramp Contract with Bainter Backhoe to reflect a total expense of \$1,700.00.

Motion was made by Ms. Dahl to approve the Consent Items. Second by Mr. Hall. All in favor. Motion passed.

Chairman Doyle proclaimed June 1<sup>st</sup> through June 7<sup>th</sup> as National Safety Week in the City of Livingston. He also proclaimed June 16<sup>th</sup> through June 20<sup>th</sup> as Yellowstone Writers Conference Week.

Action Item A. Review Special Event Request for Craig Yost Benefit in Sacajawea Park on June 13, 1998, was explained by Mr. Steve Golnar, City Manager, including staff's proposal for \$75.00 in reduced fees. He also said that the information for the health officer was provided in the application documents but had not been reviewed by the health officer yet.

Mr. Harvey Mayer and Mr. John Tecca addressed the Commission, on behalf of the Craig Yost Fund, stating that they wanted to use the band shell, the civic center, and the lagoon area of the park for one day for an ongoing event during that day until midnight, including a BBQ, a fishing derby, a band concert, a dance and an auction. All donations and monies received will go to the Craig Yost Fund. The slogan will be "Our Heart Goes Out to Craig". There will be a committee to clean up after the event. Mr. Mayer continued that Mr. Yost was doing well after his heart replacement surgery three weeks earlier.

Chairman Doyle commented that this request was coming to the Commission a little late and asked Mr. Golnar why. Mr. Golnar said that this event came together pretty quickly and continued to grow, with the initial request being use of the civic center and additional requests following; therefore, he felt that a special events planning process would be most appropriate. Mr. Hall had no problem with the reduced fee schedule proposed by Mr. Eddie Miller, Acting Superintendent of Public Services. Police Chief Steve McCann said there were a couple of police officers that were willing to donate their off duty time to work the event.

Mr. Hall made a motion to allow the event to go forward using the fee schedule recommended by Mr. Miller. Second by Ms. Dahl. All in favor. Motion passed.

Action Item B. Review Street Sweeper Plan and Proposed Revisions and Implementation Schedule. Mr. Golnar corrected the Agenda page location of this Item to Page 55. He recommended that the existing schedule and method of street sweeping be continued for the summer of 1998; and that the City initiate testing some of the ideas and time frames which Mr. Clint Tinsley, Superintendent of Public Services, identified in his memo dated May 22, 1998, referencing the street sweeper program. Mr. Golnar also recommended that efforts should be made toward revising the current schedule, initial street cleaning and alternate street side parking plan for the summer of 1999.

Mr. Spanning made a motion to approve Action Item B. with the recommendations of the City Manager and continue with our program this year and test the other ideas this summer and fully implement the new program in 1999. Ms. Dahl seconded.

Discussion by Ms. Dahl included the suggestion of starting the sweeping process downtown before 6:00 a.m., when fewer cars are on the street. Mr. Hall continued the discussion stating that with a better plan, a better job can be done; he strongly urged discontinuing ticketing and felt that the ticketing process was a waste of police manpower and image.

Mr. Hall made an amendment to the motion to suspend all street sweeper ticketing this season. Second by Ms. Dahl.

Mr. Golnar stated that \$6,000 to \$10,000 in revenue would be lost if the ticketing process is suspended. Mr. Hall said that financing the City on fines was abhorrent to him. Chairman Doyle addressed Mr. Tinsley, referencing the effect of not moving the cars for the street sweeper. Mr. Tinsley said that many citizens, especially the senior citizens, wanted clean streets and this could not be accomplished unless people move their cars for the street sweeper to sweep; and some people would not move their cars unless tickets were written. He said that it is a hardship for people to move their cars, and perhaps a schedule change to move only to the other side of the street might be better in some places. Mr. Tinsley said that sweeping later in the day is not an option because of the lack of police manpower to write tickets. Mr. Hall felt that any time the police officers have should be spent investigating crime, not following the street sweeper writing tickets. Mr. Spanning addressed Chief McCann and asked how the ticketing process affected his department. Chief McCann said that in the early stages of the summer street sweeping program, there are so many tickets to write it takes two officers to write them; but later in the season, only one officer is required. Mr. Spanning asked Mr. Golnar how the budget would be affected if we lost the \$6,000 to \$10,000 in fines. Mr. Golnar, along with Shirley Ewan, Finance Director, concurred that the amount had already been budgeted for this fiscal year. Mr. Spanning's last question was addressed to Mr. Tinsley about how much it costs the City to run the street sweeper cleaning each year, and

whether the long term costs would offset the \$6,000-\$10,000 collected on fines. Mr. Tinsley said it would not offset the General Fund budgeted revenues because the street sweeper was operated and maintained by the Solid Waste Fund. The costs to the Solid Waste Fund are \$9,000 to \$10,000 in wages, plus what the street sweeper costs the City.

Ms. Ewan suggested using Code Enforcement personnel to write the tickets, thus keeping the police officers on their job, yet still getting the cars moved for the street sweeper. Mr. Tinsley agreed with this suggestion. Mr. Spannring questioned the workload of Code Enforcement and reiterated his previous request for information on Code Enforcement monthly activity reports.

Mr. Spannring pulled his original motion to approve Action Item B. and suggested investigating Code Enforcement's workload and the option of using them to write tickets. This would enable the street sweeper to operate later in the day when more people were at work, thus alleviating the need to write as many tickets. In the meantime, staff should continue with the current street sweeper program and writing of tickets, and further investigate Code Enforcement's time and authority to write tickets.

Ms. Dahl felt that the alternate street sweeping ideas were great but questioned how they were going to be implemented. Mr. Tinsley answered that after the current schedule is completed, staff could try sweeping later in the day, or perhaps discontinue the current schedule a month early. He recommended that it would be difficult to change the current schedule since it has already been advertised and distributed. Ms. Dahl proposed to the Commission, along with Mr. Spannring's tabling of the original motion, that we stay status quo for June and July, suspend the street sweeper schedule in August, and begin instigating the alternatives.

Mr. Spannring suggested that next year we do not include the ticket fees in the budget process.

Mr. Spannring made a formal motion to lay the information we have now on the table, with a second by Ms. Dahl. Mr. Hall questioned tabling the motion, instead of eliminating the original motion. Thus, Mr. Spannring removed the original motion, and Ms. Dahl withdrew her second. Mr. Spannring also withdrew his amended motion and Ms. Dahl withdrew her second.

Mr. Spannring made a motion to continue with the current street sweeper schedule through July 15, then try the new alternatives and not write tickets after July 15. Second was made by Mr. Hall. Ms. Dahl asked Mr. Tinsley if ticket writing should be suspended during the middle of the week, which July 15<sup>th</sup> falls on? Mr. Tinsley suggested the first of the month would be more appropriate. Thus, Ms. Dahl made a motion to amend Mr. Spannring's motion by striking July 15<sup>th</sup> and adding the regular schedule would end July 31<sup>st</sup> and the new alternatives with no ticketing beginning on August 3<sup>rd</sup>. Mr. Hall seconded. Four in favor. Mr. Mikesell absent. Amended motion passed.

Mr. Doyle asked for discussion on the main motion. There being none, a voice vote was called. Four in favor. Mr. Mikesell absent. Motion passed.



Action Item C. Appoint Representative for Police Commission Applicant Interview Committee. Mr. Golnar explained that this is a nomination by the City Manager, confirmed by the City Commission; and that the Police Commission assists with the hiring of Police Officers. He continued that we have received six applications for this position and he wanted them to be reviewed and informed about what the position includes and he requested that the Commission appoint a representative to sit in on that process prior to his making a recommendation at the June 15<sup>th</sup> Commission meeting. Ms. Dahl volunteered to represent the City Commission on this Committee.

Resolution No. 2904, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY. Mr. Golnar said this policy, as it is written, spells out what the limitations are and is very board in determining who would qualify for tax incentives under this program. The incentive would grant a 50% reduction in taxable value for the first through the fifth year; and after that time, each year the taxable value would be increased by 10%, until the tenth year then 100% of taxable value would be assessed property taxes. He also suggested correcting Section 3.a. to read "the City ~~may~~ shall issue a certificate in lieu of a building permit under the following circumstances". Mr. Woodhull commented that unless it is a new project, compliance could not be guaranteed and he was unsure about how equipment would qualify under the Uniform Mechanical Code. Mr. Bruce Becker, City Attorney, said that the granting of the tax incentive is not something the City Commission has to do; thus the reason for the use of the discretionary wording "may". Mr. Golnar withdrew his concern.

Mr. Golnar also had a concern regarding 3.b., referencing "Expansion" and the wording "first tax year in which the benefits provided for in 15-24-1402 MCA are to be received or in the preceding tax year"; he questioned whether this is tied to the date of legislation or the time frame of when the construction took place. Mr. Becker said that the stated definition of "Expansion", he felt, was a direct quote of the Montana Code Annotated, and he would check.

Mr. Golnar continued that this policy provided some framework but was still quite broad.

Ms. Dahl asked Mr. Becker if we can set our own guidelines as a City with the tax incentives through MCA. Mr. Becker said they could be more restrictive than the \$50,000 for expansion, but they could not be less restrictive, i.e. \$50,000 to \$75,000, but not down to \$25,000. She also asked if a definition could be given to 3.c.v., which stated "Any other business that has not previously been located in the City of Livingston and for which the granting of the tax incentives herein described would not be contrary to State law." Mr. Becker said that State law actually says, "industry includes, but is not limited to, a firm that engages in the: etc.", and any of the five categories can be modified.

Mr. Golnar read an example from a Kansas community, which read "Criteria for Abatement: The project must add to the economy. Evaluation criteria

to be used in determining benefit to the economy shall include, but not be limited to, the amount of capital investment; whether the project is within an industry targeted by Olathe or the City of Kansas; whether the project produces value added products and services; whether the project creates above average wage jobs; and whether the project provides a positive fiscal impact and economic impact.

The project should be one in which a substantial part of its total products and/or services are exported from the Olathe area, or items for local consumption that would add jobs and replace purchases now being made by citizens in the areas outside of the City.

To facilitate expansion or retention, preference shall be extended to existing industries that invest in building expansion or acquired new machinery and equipment. However, the amount of property taxes or special assessments on the existing land and facilities shall under no circumstances be reduced."

Mr. Hall addressed Ms. Dahl and said the key word would be "incentive" and suggested leaving 3.c.v. unrestrictive.

Chairman Doyle polled the Commission for consensus on rewording of 3.c.v. and entertained a motion at that point.

Mr. Hall made a motion that Resolution No. 2904 be sent back to the City Manager for further work on Item 3.c.v. Second by Ms. Dahl. All in favor. Motion passed.

Motion was made by Ms. Dahl, second by Mr. Spanring, to approve Resolution No. 2905, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING A PUBLIC HEARING TO DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST TO APPROVE TAX REDUCTIONS FOR THE ECONO LODGE AS A NEW INDUSTRY WITH IMPROVEMENTS VALUED AT \$185,198.00. All in favor. Motion passed.

Motion was made by Mr. Spanring, second by Ms. Dahl, to approve Resolution No. 2906, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH THE LIVINGSTON POLICE DEPARTMENT EMPLOYEES ASSOCIATION. Mr. Golnar indicated one change on the first page, first paragraph, to the date from 1997 to 1998.

All in favor. Motion passed.

Motion was made by Ms. Dahl, second by Mr. Mikesell, to approve first reading of Ordinance No. 1875, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP BY REZONING TRACT B, PLAT 712, BLOCK 3, PARK ADDITION FROM HIGHWAY COMMERCIAL TO NEIGHBORHOOD COMMERCIAL.

Mr. Golnar said this was a Public Hearing. Chairman Doyle questioned Mr. Becker on the proper procedure. Mr. Becker responded that there were some procedural things that needed to be worked through; the second reading

would be the Public Hearing on the Ordinance itself and this was a Public Hearing on the Zone Change; thus two things were working. Notice of Public Hearing was sent out on the Zone Change; and the Public Hearing on the Ordinance itself would be June 15, 1998.

Mr. Woodhull exhibited the Zone Map for Tract B, Plat 712, Block 3, Park Addition, and said Red Tail Development, owner of property located at the corner of Park and 12<sup>th</sup> Street, is requesting a zone change for this property which is currently zoned highway commercial. They want to change it to neighborhood commercial in order to develop the property as a bank. The bank in question is the First National Bank of White Sulphur Springs. A representative, Mr. Michael Grove, was present to answer any questions.

Chairman Doyle requested public comment on the zone change request. There being none, the public hearing was closed.

All in favor. Motion passed.

First reading of Ordinance No. 1876, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A FRANCHISE TO LIVINGSTON CABLE AND COMMUNICATIONS FOR THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM.

Doc Hughes and Tony Huiett addressed the Commission and said they had previously appeared before the Commission requesting a television cable franchise agreement. At that time, a motion was made by Ms. Dahl that the City Manager develop a franchise agreement comparable to the present television cable franchise agreement. After meeting with the City Manager and City Attorney, Mr. Hughes felt that ground had been gained; but after receiving the copy of the Ordinance with the proposed agreement, he felt they were not on a level playing field with TCI Cablevision, the current television cable franchise holder. He said the proposed agreement contained technological requirements that he felt were costly and unnecessary, i.e. a fiber optic link to the high school and middle school with interactive capabilities and laser transmitters and modulators. Also the request for a \$10,000 fee paid to the City within 30 days of the Ordinance was not understood by Mr. Hughes. He did understand Mr. Golnar's point that there had been changes in the cable industry and regulations, but he said if they put a system up they were already bound by the federal laws on what they had to do as far as cable was concerned.

Mr. Golnar brought the Commission up to date stating that the parties had been involved in negotiations on a limited basis. The technical criteria was from a franchise agreement from the City of Powell, Wyoming, and he thought that this form of agreement was what Mr. Hughes and Mr. Huiett had requested, based on their previous meeting. Mr. Hughes responded that the system they plan to offer far exceeds anything in Livingston, but this agreement requires things that are not the norm even in huge cable systems.

Mr. Golnar said what they were looking for was to establish a basis for developing an agreement and of the two franchise agreement options reviewed with Mr. Hughes, Mr. Huiett, and Mr. Becker, the base document he understood

would be used was the Powell, Wyoming document. Mr. Hughes said he thought there would be a compromise. Mr. Golnar suggested that more time was needed to work out the details of this proposed franchise agreement.

Mr. Hall made a Motion to send this Ordinance back to Management for further negotiations, hopefully putting something new on the table by the June 15<sup>th</sup> meeting. Second by Mr. Mikesell. All in favor. Motion passed.

Mr. Golnar introduced Scott Black, of Mark's In & Out, who addressed the Commission requesting approval of a Special Event Application for the Mark's In & Out Classic Car Show on June 19<sup>th</sup> and 20<sup>th</sup>. He said this has been an annual event for the past eight years, with a parade, poker run and trophies. He also said there would be no variance needed on the noise ordinance since everything was finished by 10:00 p.m. He was not aware of the special event permit process and 30 day prior to the event submission deadline; thus the short notice to the Commission.

Chairman Doyle asked each Commissioner for their concurrence to waive the 30 day requirement for a Special Event Permit Application for Mark's In & Out Classic Car Show. They all agreed.

Continuing with his City Manager's Comments, Mr. Golnar presented the Water and Sewer Report for April, 1998.

He also directed attention to the letter to Jason Giard of the Montana Department of Transportation referencing the current status of the Park and 2<sup>nd</sup> Street intersection and indicated that he will continue to study the parking space issue.

Bike/Pedestrian Path Lease Agreement with MRL/BN was discussed by Mr. Golnar, highlighting the insurance requirement limits for general liability not less than \$1 million primary limit per occurrence with excess limit of \$4 million per occurrence and a \$4 million general aggregate, which exceeds the \$1.5 million statutory maximum insured by Montana Municipal Insurance Authority. He is currently working with MMIA, Dime Insurance and other carriers to see what the best deal is for liability insurance coverage and will hopefully bring the information back to the Commission for next meeting. This insurance requirement was not known when the bike path project was begun because the final decision by Burlington Northern, in regard to leases on railroad right-of-ways for bicycle and pedestrian trails, was only made in the last 1 ½ to 2 years, when Missoula and BN finalized their agreement. At the Transportation Coordinating Committee meeting, the Montana Department of Transportation representatives indicated that the provisions and liability insurance coverage requirements were similar to any agreement they entered into with MRL.

In reference to the levee update, Mr. Golnar referred to a memo enclosed in the Commission packet detailing a meeting with the American Legion/Veterans of Foreign Wars Auxiliary and Lady Trainsman regarding incorporating the triangle garden with the levee. The seeding on the levee is sparse and he will continue to visit with the contractor and attorney about final disposition on guarantees in the contract.

Mr. Golnar thought the City Commission should be apprised of the letter from the FBI recognizing Detective Eric Severson's initiative and invaluable assistance in organizing a Bank Robbery Seminar for approximately 120 employees of several banks from Bozeman, Livingston, and Big Timber. Mr. Golnar stated we should all be proud of Detective Severson and the Police Department for having that type of expertise within their ranks.

Mr. Golnar was visited by Bob Worthington with Montana Municipal Insurance Authority who identified that there is a great possibility that we could obtain property insurance from MMIA for a more reasonable cost with greater coverage than the current situation. He suggested that a comparison be made between MMIA's rate quotes and the rate quotes of our current carrier, to be brought to the next Commission meeting.

A memo from Mr. Becker regarding sidewalks and methods the City can use to improve or install them was discussed by Mr. Golnar. He further stated that if the Commission wishes to create a special improvement district for installation of sidewalks, then a scope, budget and boundaries for this district need to be established and brought back to the Commission in time for a Public Hearing process. Mr. Tinsley, Infrastructure Committee Chairman, does not want to include this sidewalk special improvement district in the street maintenance district assessment because he feels it will be confusing and would bog down both efforts.

Mr. Golnar mentioned that no proposals were received as of the May 26, 1998 deadline for leasing the East Side School.

He identified the Calendar of Events and Activities and said the Economic Development Workshop would probably be June 23<sup>rd</sup>.

Chairman Doyle suggested changing the Agenda title "Introduction of Measures/Proposals by Members of the City Commission" to "Commission Members Comments", in follow up to a memo written by Mr. Golnar requesting that the City Commission adhere to Section XIV.1. of its Rules of Procedure, which states that "No ordinance or resolution should be prepared for presentation to the Commission unless ordered by a majority vote of the Commission or requested by the City Manager." He continued that there were a number of items which came up at previous meetings which have been voiced by individual Commission members with no clear or formal direction from the Commission to act upon. Mr. Golnar further recommended that as the normal course of business, the City Commission identify new items brought up during the course of a meeting, to be placed on the agenda for the next meeting, for discussion, preliminary background research and a formal vote for further action.

Mr. Hall voiced opposition to Chairman Doyle's comments saying that he had sat on the Commission when the situations were not "normal" and rather important decisions were made and, he felt that restricting this part of the meeting would be a mistake. Mr. Mikesell asked Mr. Becker where Commissioners' comments could be included in the Agenda and Mr. Becker said that "emergencies" are

always in order if an "emergency" exists. He felt that as a general rule, any Commissioner can make suggestions, but no action should be taken since a Public Notice had not been given, but they could be brought back at a future date, after notice had been given and with the consensus of the majority of the Commissioners. Mr. Becker said that an issue can be put on the Agenda if any two members of the Commission desire it. Mr. Golnar said that he just wanted to make sure that the majority of the Commission is interested in any given request of one of the Commissioners, before he exerts a lot of time and effort to that issue before bringing it back to the Commission. Ms. Ewan continued by saying that at the last Commission meeting, every Commissioner had their own agenda that they wanted the Staff to work on, but there was not a consensus of any two Commissioners to agree on action being taken by Staff.


Mr. Mayer addressed the Commissioners about a meeting he had with Mr. Golnar regarding sidewalks at Washington School needing attention; he also expressed concern about lack of sidewalks around Winans School. He also thanked the Commission for their generosity regarding the Craig Yost benefit.

Chairman Doyle, in agreement with Mr. Spanning, asked if the sidewalk issue could be included in the Agenda for the next meeting. Mr. Golnar concurred and said he would research the deadline for advertisements and the public hearing process for creating a sidewalk improvement district. The entire Commission agreed.


There being no further Public Comments, motion was made by Ms. Dahl, second by Mr. Hall, to adjourn the meeting. Motion passed.

The time was 9:26 p.m.

ATTEST:

  
 \_\_\_\_\_  
 Acting Recording Secretary

APPROVED:

  
 \_\_\_\_\_  
 Chairman

LIVINGSTON  
CITY COMMISSION MEETING  
June 15, 1998  
7:30 P.M.

The Livingston City Commission met in regular session Monday, June 15, 1998 at 7:30 p.m. in the Community Room at the City County Building.

Commissioners present were Mike Doyle, Sheryl Dahl, Fred Hall, Bill Spannring and Pat Mikesell.

Chairman Doyle presented the Consent Items:

- A. Approve June 1, 1998 City Commission meeting minutes.
- B. Accept Bills and Claims totaling \$52,099.18.
- C. Livingston Roundup Parade request to close Main Street, 2<sup>nd</sup> Street and Geyser Street from Yellowstone to Main.

Ms. Dahl made a motion to approve the Consent Items with a second by Mr. Spannring. All in favor. Motion passed.

Chairman Doyle proclaimed June 26 - July 5, 1998 as Rodeo Days in the City of Livingston.

The following Department Head monthly reports and other minutes were introduced to the Commission:

- Finance Monthly Report, May, 1998 (provided separately)
- Building Department Report, May, 1998
- City Court Monthly Report, May, 1998
- Fire/Ambulance Accounts Receivable Financial Report, May, 1998
- Fire/Ambulance Monthly Report, May, 1998
- Police Chief Monthly Report, May, 1998
- Recreation Year To Date Report, 1997/1998
- Update of Water & Sewer Metered Revenues for FY 1997/1998
- Library Board Meeting Minutes, April 16, 1998
- Library Board Meeting Minutes, March 19, 1998

Ms. Dahl stated that she appreciated having the Code Enforcement monthly report in this packet and she made a motion to include that report with the department head reports each month, second by Mr. Spannring. All in favor. Motion passed.

Mr. Hall questioned Mr. Clint Tinsley, Superintendent of Public Utilities, about the year end water and sewer revenues being down 5% and whether that would affect any of the current projects for the year. Mr. Tinsley responded that year end totals should be very close to the budgeted amount.

Action Item 6.A. Review and Approve Special Event Permit Request for KPRK/Livingston Roundup Association "Cutest Little Cowpoke Contest" and

Street Dance/Hoedown on Saturday, June 27, 1998, was reviewed by Mr. Golnar, with explanation by Jann Holter Berntsen of KPRK. Mr. Golnar said that there were a couple of items questioned by Mr. Eddie Miller, Acting Superintendent of Public Services, which were: the \$100 per location per day street closure fee and he recommended that this be waived; road blocks with lights must be used at Callender and 2<sup>nd</sup> Street and Callender and Main at 5:30 p.m. and moved at 11:00 p.m. by street department personnel, and alleys must be blocked in the area; and he suggested open container law be waived after the "Cutest Little Cowpoke Contest" around 7:30 p.m. until 11:00 p.m. after the street dance ends.

Ms. Dahl questioned where the stage would be located and Mr. Golnar responded that the stage would be in the 2<sup>nd</sup> Street area, not on Main Street. Mr. Doyle asked if all fees, i.e. overtime pay, were being waived? Mr. Golnar said that if we do not charge a fee, any such expenses would be part of the City's operating expenses.

Ms. Berntsen addressed the Commission on behalf of the event and stated that maximum attendance would be 200-250 people, with fewer people at the "Cutest Little Cowpoke Contest", which is a family affair and a showcase for the rodeo queen contestants who assist with the event. She continued that the band could be located at the intersection of Callender and Main Street, which has worked best in the past.

Ms. Dahl made a motion to accept the KPRK/Livingston Roundup Association "Cutest Little Cowpoke Contest" and Street Dance/Hoedown special event permit request, with a waiver of the open container law from 7:30 p.m. to 11:00 p.m., being the same as the art gallery mapping, and waiving of the fees as long as they put up and took down the barricades for the street closure. Second was made by Mr. Mikesell.

Mr. Hall asked Mr. Miller if the waiving of the fees would affect his budget. Mr. Miller responded that it would not affect his budget. He also want the area identified for waiver of the open container law. Police Chief Steve McCann explained the area was Main Street to Park Street, Callender Street from Main and Second, Second Street from Callender to Park Street.

All in favor. Motion passed.

Action Item 6.B. Review and Approve Special Event Permit Request for Marks In & Out Classic Car Show on June 19<sup>th</sup> and 20<sup>th</sup>, 1998, was reviewed by Mr. Golnar, who stated that there is a City Park Land Use Fee of \$25.00 per day, which could be waived.

Ms. Dahl made a motion to approve the Marks In & Out Classic Car Show special event permit request and waiver of \$25 City Park land use fee, second by Mr. Mikesell. All in favor. Motion passed.

Action Item 6.C. Authorize 1<sup>st</sup> period payment request for Livingston Depot Cultural and Aesthetic Project Grant from Montana Arts Council.



Ms. Dahl made a motion to amend the Agenda by moving this item to Item 8.C., Resolution No. 2908. Mr. Hall seconded. All in favor, motion passed.

Action Item 6.D. Review Property Insurance Proposals for FY 98-99 was explained by Mr. Golnar, who stated that two proposals for property insurance had been received, one from Dime Insurance and one from MMIA. The comparison for the two showed that a significant premium savings would be gained by accepting the MMIA coverage, although there would be a higher deductible for vehicle coverage, which would be offset by the additional coverage not previously carried such as earthquake, flood and security bonds and dishonesty coverage. Mr. Golnar recommended accepting the MMIA coverage as quoted.

Ms. Dahl made a motion to allow Mr. Golnar to proceed with obtaining property insurance coverage from MMIA. Second by Mr. Spanring. All in favor. Motion passed.

Action Item 6.E. Police Commission Appoint. Mr. Golnar identified that six applications were received for this appointed position, which serves the City in helping to hire police officers and in reviewing complaints from officers and citizens in reference to the police department. Commissioner Sheryl Dahl and Mr. Golnar interviewed the applicants, with Mr. Golnar recommending appointment of Mr. David Pettit to fill that vacancy.

Mr. Hall asked Ms. Dahl about the recommendation and she stated that it was the City Manager's recommendation and she had simply participated in the interview process. Mr. Golnar continued that the instructions in the Manual for Montana Police Commissioners contained a factor he felt was very important and it stated "when deciding charges against a police officer, a police commissioner acts much like a judge and jury. Its purpose is to make certain there exists an independent and impartial forum where an ordinary citizen can bring a complaint against the police officer, where the complaint will be fairly and fully heard and where a fair decision will be reached." In reviewing the various applicants, Mr. Golnar researched who had the basic background necessary to fill this position and evaluate complaints in a fair and impartial way; and he felt that Mr. Pettit had the strongest qualifications in that area.

A motion was made by Mr. Hall to appoint Mr. David Pettit to the Police Commission. Second by Mr. Spanring.

Ms. Dahl thanked Mr. Golnar for the opportunity to participate in the interview process and she thanked the applicants who had applied.

All in favor. Motion passed.

A public hearing was opened by Chairman Doyle on second reading of Ordinance No. 1875, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE OFFICIAL ZONING MAP BY REZONING TRACT B, PLAT 712, BLOCK 3, PARK ADDITION FROM HIGHWAY COMMERCIAL TO NEIGHBORHOOD COMMERCIAL.

Barbara Dean, a resident, asked for an explanation of the difference between highway commercial and neighborhood commercial. Mr. Jim Woodhull, City Planner, explained that the highway commercial zone is a more intensive commercial zone allowing chiefly highway oriented gas stations, tourist oriented motels and things of that nature, whereas neighborhood commercial is primarily for retail and business office type use, including banks. Ms. Dean asked were the property in question was and Mr. Woodhull said it was located at the corner of 12<sup>th</sup> and Park Streets where the Exxon station is located. The current owner of the property is a bank and wishes to operate the property as such, and this is actually a down zoning from a use that is more intense to a use that is considered less intense.

There being no further public comment, the public hearing was closed.  
Five in favor. Ordinance passed.

Chairman Doyle opened a public hearing on Resolution No. 2905, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING A PUBLIC HEARING TO DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST TO APPROVE TAX REDUCTIONS FOR THE ECONO LODGE AS A NEW INDUSTRY WITH IMPROVEMENTS VALUED AT \$185,198.00.

Mr. Golnar recommended that the public hearing for this Resolution be vacated at this meeting, since after further research into the request, the actual amount of tax to be abated was determined to be \$1,416, 197.25. The Commission would be unable to act on the original resolution as stated. A revised resolution of intent was provided later in the agenda (Resolution 2909) which set a new public hearing for July 6, 1998.

Ms. Dahl made a motion to vacate Resolution No. 2905, second by Mr. Mikesell. All in favor. Motion passed.

Resolution No. 2904, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY was explained by Mr. Golnar, with changes in the document highlighted for clarity. Mr. Bruce Becker, City Attorney, said the primary change was the submission deadline change from May 1 to January 1 by the Department of Revenue. Mr. Golnar also pointed out the changes to sections 3.c.(iv-vi) to make them more consistent with the statutes. Also additional wording was added to the eligibility requirement section and the application and procedure section. Mr. Golnar also focused attention on the tax benefit section which stated "If benefit is approved by the City, the benefit will apply only to the number of mills levied and assessed for the local high school district and elementary school district purposes and to the number of mills levied and assessed by the City over which the City has sole discretion. (15-024-1402(4) MCA)." He said that the School District Superintendent had been notified of this request for a tax abatement and he had nothing to add at this time.

Ms. Dahl questioned whether the tax abatement was on the property only or applied to the special districts such as street and lighting. Mr. Golnar said it was only on property which was acquired through investments which meet the new or expanding industry thresholds as identified in the statutes. He referred to page 97 of the packet which identifies the estimated market value of Econo Lodge being \$1.231 million for building and improvements and the taxable rate both with and without the abatement and the 1998 estimated revenue/tax impact. He also stated that there are two adjustments being made under recent legislation which affect property tax; first, the tax rate goes down by 2% and also the property being assessed raises by 2% of the increase in appraised value. The figures provided to the Commission give an estimate of what the dollar amounts would be for the market value and a total tax abatement for City taxes of \$22,272.16 and the School District's abatement would be an additional \$25,835.71 over the 10 year period, for a total of \$48,107.81.

Mr. Golnar also stated that only 50% of the Econo Lodge building was constructed as of the end of the year, or beginning of the 1998 calendar year when the taxes are applied to the property, therefore we have a taxable value of \$17,413 and appraisal value of \$588,300 at that point for taxes for 1998. Next year 100% of both building and improvements and equipment will be used to compute the tax benefit.

Mr. Hall commented that he still could not sign off on this document. He was especially concerned with Section 4. Eligibility requirements, subsection a. "The project must add beneficially to the City of Livingston's economy and not have an adverse effect upon environment while having an acceptable impact upon the city's services and infrastructure". He thought it sounded nice but was a bit nebulous and he wanted more definition of criteria that would be used to grant tax abatement.

Mr. Hall also questioned whether Section 5.d.e.f.&g. addressed information that had previously been reviewed by the Development Review Committee.

He was particularly concerned with Section 4.a.vii. which stated "the project shall not have an unmitigated impact on the environment". He asked, "What environment? What is the effect? Who is going to decide what is a mitigating factor?" He continued saying that we have a Department of Environmental Quality and all industry had to meet their standards and he did not know if we had the authority to set any standards.

Mr. Hall further felt that the wording in Section 4 and 5 was redundant and unnecessary. He requested that where there was duplication, it be eliminated; and where there are goals, he wanted them defined.

Mr. Golnar stated that he felt Section 4.1. "the project must add beneficially to the City of Livingston's economy" was a critical question to be addressed in order to grant tax abatement.

Ms. Dahl referred to the Olathe, Kansas document on tax abatement and felt that the school district should be an active member in the decision process. She also wondered if the date December 1 for an application approved on

January 1 was a long enough timeline and whether the City could move that quickly. She suggested moving the date back to November 1.

Mr. Golnar quoted Section 7. "Notice to other taxing jurisdictions. The City of Livingston shall notify by certified mail all taxing jurisdictions affected by the tax benefit prior to approval thereof" and said this would include the school district.

Mr. Hall felt this tax abatement policy was too broad and did not address specific, concrete projects. And he felt there should be reference to an application having been submitted to and approved by DRC before this document is ever distributed.

Mr. Golnar felt this brought up the question of when tax abatement requests were addressed, whether it should be before ground is broken or whether it should be after project completion. He further felt that it would be easier to identify the value of a project and actual dollars spent after the project is completed, rather than in the planning stage. On the other hand, if the tax abatement was going to be used as an incentive, it should be granted prior to the work being done. He asked for the Commission's opinion.

Mr. Hall felt that tax abatement should be granted up front and Chairman Doyle agreed.

Ms. Dahl asked that making application to the DRC be included in the requirements for requesting tax abatement.

This Resolution was tabled for further revisions.

Ms. Dahl made a motion, second by Mr. Mikesell, to approve Resolution No. 2907, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH DEPARTMENT OF TRANSPORTATION FOR PARK AND 5<sup>TH</sup> STREET INTERSECTION.

Mr. Golnar defined this resolution as relating to coordinating the rail crossing signalization with the intersection lights at Park and 5<sup>th</sup> Street. He further stated that Exhibit A of the Agreement was simply a typical section provided by the Department of Transportation and not a map that reflects what they will actually do.

All in favor. Motion passed.

Ms. Dahl made a motion, second by Mr. Spanning, to approve Resolution No. 2908, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA CULTURAL TRUST FOR GRANT TO THE LIVINGSTON DEPOT FOUNDATION.

All in favor, motion passed.

Motion was made by Ms. Dahl to authorize 1<sup>st</sup> period payment request for Livingston Depot Cultural and Aesthetic Project Grant from Montana Arts Council, with a second by Mr. Hall. All in favor. Motion passed.

Motion was made by Mr. Hall, second by Mr. Mikesell, to approve Resolution 2909, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SETTING A PUBLIC HEARING TO DETERMINE WHETHER IT IS IN THE PUBLIC INTEREST TO APPROVE TAX REDUCTIONS FOR THE ECONO LODGE AS A NEW INDUSTRY WITH IMPROVEMENTS VALUED AT \$1,415,197.25.

Four in favor. Ms. Dahl opposed. Motion passed.

Ordinance No. 1876, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A FRANCHISE TO LIVINGSTON CABLE AND COMMUNICATION FOR THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM IN THE CITY OF LIVINGSTON, MONTANA.

Mr. Golnar briefly reviewed the changes to the Ordinance as:

Section 1.3 Cable Gross Revenues - in order to maintain a level playing field, gross revenues were defined along the same lines of the TCI agreement. Because of that, the term will run the same as the TCI agreement, which ends in 2005.

Section 2.4 Channels; Programming. - it was agreed they shall provide a minimum of 50 channels to subscribers.

Section 4.2.1 Normal Business Hours - it was agreed they will have in-person and live telephone service at the Company's local office, 8:00 A.M. to 5:00 P.M., Monday through Friday, and 9:00 A.M. to 12:00 noon on Saturday.

Section 4.4 Free Service - company will provide without any installation charge or monthly charge one free outlet at the City County Complex and in each public library and each public and private school and college in the authorized area.

Section 4.11.1 applies to keeping track of the telephone calls received, which was deleted.

Section 4.23 Performance Bond and Security Fund - addresses the fact that the company shall provide the City with a performance bond in the amount of \$150,000.00, no later than 30 days prior to construction. Mr. Golnar suggested that a termination date should be added.

Section 5.1 PEG Channels - the first channel will be in service once Company has 500 customers. Mr. Golnar wanted wording to be revised to read, "six months after start, services are being sold."

Section 5.3 PEG Access Assistance and Section 5.4 Lines and Facilities - that even though set forth in this agreement will not take effect at this time, but the parties agree to re-negotiate these items within three years.

Section 6.6 Insurance - was reviewed by the Attorney, who identified what State law requires, which is \$750,000 per claim and \$1,500,000 per occurrence for property damage liability insurance.

Mr. Golnar noted that the numbering of Section 7 was wrong and should be 7.1.2 and 7.1.2 instead of 7.7.1 and 7.7.2.

Section 7.2.1 Company shall pay City's cost of newspaper publication associated with adoption of this Franchise - was included to cover any City expenses relating to this cable franchise ordinance publication requirements.

Mr. Doc Hughes and Mr. Tony Huiett, of Livingston Cable and Communication, were present but did not comment.

Mr. Golnar suggested changing the hours in 4.2.1 for Saturday to 9:00 A.M. to 1:00 P.M. He further recommended changing Section 5.1 from "the first channel will be in service once Company has 500 customers" to "the first channel will be in service 6 months after start of business, meaning services being sold."

Ms. Dahl made a motion to approve Ordinance No. 1876 with the changes recommended by Mr. Golnar. Second by Mr. Mikesell.

Mr. Hall asked for a definition of "services being sold". Mr. Golnar replied it meant "services sold to first customer" and he amended his recommended change to read "the first channel will be in service 6 months after start of business, meaning after services are sold to first customer."

All in favor. Motion passed.

City Manager Comments were presented by Mr. Golnar and included:

- A. Schedule for Street Maintenance and Improvements - a schedule was proposed, which requires the Infrastructure Committee recommendation and resolution, which will be presented at the July 6, 1998 City Commission meeting.
- B. Sidewalks Around Schools - a memo from City Planner Jim Woodhull about the options for funding sidewalks around schools was presented, with his conclusion that there is no mechanism for a citywide sidewalk maintenance district. Mr. Woodhull identified the options available as (1) creating one or more special improvement districts, whereby if 50% of the people protest, the work won't happen; (2) the City can invoke the existing ordinance and order the improvements in, which necessitates that the City budget enough money to do the work if the residents fail to do so, with the expense recouped through the property taxes; and (3) the City could simply identify those few areas deemed most critical and install a small number of sidewalks each year using existing operating funds. Mr. Golnar stated that some replacement of sidewalks could be done in conjunction with an entire street project, but at the present the proposed funding level for upgrades for streets in the infrastructure plan does not include sidewalks as part of the expenditures. He suggested pursuing requesting, expecting and requiring property owners to improve the sidewalks where deemed necessary. Mr. Miller identified where sidewalks do not exist around the schools as: Winans School - 330 South 11<sup>th</sup>, 413 South 11<sup>th</sup>, 1105 West Geyser, 924 West Crawford (about 2,000 - 3,000 feet); Washington School - all 900 block of

West Front, all 900 block of West Chinook, 824 West Chinook, 622 West Chinook; St. Mary's, Middle School, East Side - 410, 414 South E, 425 South F and 420 E Geysler.

Mr. Golnar asked for direction from the Commission. Mr. Mikesell was contacted by one resident who could not afford to contribute to sidewalks because she was on a fixed income. Chairman Doyle suggested dropping the entire item of forced installation of sidewalks in these areas. Ms. Dahl suggested contacting the school district to see if they would consider paying for ½ of the sidewalks over a five year period, thus eliminating the entire burden on the City. Mr. Mikesell presented another option of the school board paying ½, with the property owner and the City paying the balance. Mr. Hall agreed with Chairman Doyle that it was not fair to penalize anyone just because of where they live and it should be a civic project worthy of everyone in the City joining in on or no one joining in on, not both. Mr. Spannring spoke in favor of the third option suggested by Mr. Woodhull of identifying where sidewalks are needed and budgeting money each year for installation of some sidewalks.

- C. Code Enforcement Issuing Sweeper Tickets - Staff's conclusion is that Code Enforcement can issue street sweeper tickets, if the Commission wishes.

Ms. Dahl made a motion that Code Enforcement start writing street sweeper tickets immediately. Second by Mr. Hall. Mr. Golnar questioned if the intention was to eliminate street sweeper tickets beginning August 1.

Ms. Dahl said that August is the trial month to see if the new alternatives will work and that street sweeper tickets should be eliminated August 1.

Mr. Tinsley was asked his ideas on the motion on the table and he stated that scheduling might be a problem. Chairman Doyle asked if the police department was to discontinue writing tickets altogether. Ms. Dahl said that would be at the discretion of Staff. All in favor of motion. Motion passed.

- D. Economic Development Workshop - the workshop is scheduled for June 23, 9:00 a.m. to 4:00 p.m. and the Commission is invited.

- E. Yellowstone Motor Inn Tax Relief Request - was made under a different statute than the "New and Expanding Industry" statute. Their application was for tax benefits for remodeling, reconstruction or expansion of existing buildings or structures. This was reviewed with the County Attorney who indicated that the City is the entity responsible for determining if such benefits should be awarded. The application date for requesting these benefits is April 1 of the tax year for which the benefits are being sought.

The application was received on May 21, 1998; thus he is working

with the City Attorney to determine if this application can be considered for next year.

- F. The resignation of Mr. Dave Amsk from the City/County Planning Board was received and a replacement is being sought. The City Planner suggested that the existing City Zoning/Board of Adjustments be consulted. Mr. Golnar asked for input from the Commission. Ms. Dahl supported Mr. Woodhull's suggestion and asked about his previous comments regarding doing away with the City Zoning Board and incorporating it into the City/County Zoning Board, and leaving just the Board of Adjustments and what it would take to move forward on that suggestion. Mr. Woodhull said he was still negotiating with people in the County in preparation for that change.
- G. Water Quality Report Advertised in the Paper - Mr. Tinsley said this has not been advertised yet, but will be shortly.
- H. Upper Yellowstone River Task Force Meeting Summary - this information was provided separately.
- I. Study Status of the Feasibility and Environmental Clean Up Burlington Northern Rail Yard - also provided separately.
- J. Calendar of Events and Activities - was presented, with Mr. Golnar noting that at 7:00 p.m. on June 18, the Yellowstone to Yukon Hike discussion and slide show would be held in the Community Room of the City County complex.

Commission Member Comments included a suggestion by Mr. Mikesell for the Fire Chief to set up an Enterprise Fund for the Ambulance. Mr. Hall also supported this suggestion and proposed preparation of an Enterprise Fund Budget for the Ambulance, with two parts - an expenditure part and a revenue part, including what the ambulance is going to take in, the \$33,000 payment from the County, whatever funds are gained from the mill levy, and the amount of money up front the City Commission is willing to put into the Fund in form of a subsidy (instead of making loans and correcting later). Chairman Doyle agreed with Mr. Mikesell and Mr. Hall.

Mr. Mikesell commended the people of Livingston for their donations and support of the two weekend fund raisers that were held.

Ms. Dahl suggested for Resolution No. 2904 that a shorter time period, such as 5 years, be used instead of a 10 year tax abatement period. Mr. Becker identified that the Department of Revenue should be consulted before any action in this respect was taken, which he will do before the next Commission meeting. Chairman Doyle, Mr. Mikesell and Mr. Spanring supported Ms. Dahl's suggestion. Mr. Hall questioned whether Ms. Dahl was suggesting different time period's for different tax abatement requests, i.e. a different dollar figure would trigger a certain time period. Ms. Dahl referred to the Olathe, Kansas document and the figures contained therein, with the larger tax abatements requests receiving a longer time period.



Ms. Dahl also presented a news release referring to the Whitefish City Council voting to pull all of its bed tax funding away from the Flathead Convention and Visitors Bureau, with the Whitefish Chamber of Commerce administering the money specifically for projects that would benefit Whitefish.

She also commented on an article about the County using free road material and expressed a desire that the City would do the same thing. Mr. Golnar said this is being pursued.


Ms. Dahl commended the community for their support of the fund raising events the past weekend.

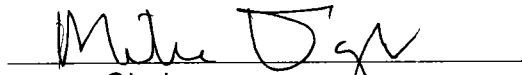
Barbara Dean made a public comment about the tax abatement policy and whether the City was considering the size of the industry when considering a tax deferral. She also was concerned about the sidewalk issue, and suggested buffing and grinding down the rough areas and steep spaces.

There being no further public comment, Mr. Mikesell made a motion to adjourn, second by Ms. Dahl. Motion passed. The time was 9:30 p.m.

ATTEST:

APPROVED:

  
Acting Recording Secretary

  
Chairman

LIVINGSTON  
CITY COMMISSION MEETING  
July 6, 1998  
7:00 p.m.

The Livingston City Commission met in regular session Monday, July 6, 1998, 7:00 p.m. in the Community Room at the City/County Building. Commissioners present were Mike Doyle, Pat Mikesell, Bill Spanning, Sheryl Dahl and Fred Hall.

Chairman Doyle called for executive session stating that the merits of individual privacy exceed the merits of public disclosure. The Commission went into executive session regarding a personnel matter at 7:10 p.m.

Chairman Doyle called the meeting back into open session at 8:02 p.m.

Chairman Doyle pulled items E and H off of the consent items for further discussion.

Motion was made by Dahl, second by Hall, to approve the following consent items:

- Approve June 15, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims for FY 97-98.
- Accept Bills and Claims for FY 98-99.
- Accept Fuel Bid for FY 98-99.
- Memo From Finance Officer Wiring Money for Bond Payments.
- That the City of Livingston Act as Official Agency for Disbursements and Authorize the City Manager to Write Letter of Support for Yellowstone Ballet Co.'s Grant Application to the Montana Cultural Trust.

All in favor. Motion passed.

Item E, Approve Payback Agreement - EconoLodge - Contract/Resolution for Next Meeting. City Manager Steve Golnar explained the method used for utility paybacks. Mr. Golnar and Supt. of Public Utilities Clint Tinsley clarified questions asked by the Commission. The Commission was in agreement of the payback method. It was noted that a 15 year time frame was the typical payback time.

Item H, Authorize Extension of Sewer Main on City Property to Serve Block 4 of the Palace Addition. Mr. Golnar stated this was before the Commission approximately 2 meetings ago and explained that since that time, it was determined that since this was on City property, a easement was not

needed. Mr. Golnar stated that the action that was now needed, was the authorization of the extension of sewer line to this area.

Motion was made by Dahl, second Hall, to approve items E and H. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to confirm the nomination of Robert Schmidt to the position of Fire Chief.

Chairman Doyle felt the position should be a one year probationary period, but stated that State statute regulates differently in this instance.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1876, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A FRANCHISE TO LIVINGSTON CABLE AND COMMUNICATION FOR THE CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM IN THE CITY OF LIVINGSTON, MONTANA.

No public comments were heard. Extensive discussion was heard from the Commission, staff and Mr. Hughes on the conditions of the proposed ordinance.

An amendment to the ordinance was made by Dahl, to Section 7.2.2., Company shall pay one time application fee of \$250 to cover City's expenses for time spent on task. Motion died due to lack of a second.

City Manager Golnar pointed out the changes that were discussed by Livingston Cable and Communications and the City.

Chairman Doyle called for a short recess at 8:33 p.m. and reopened the meeting at 8:37 p.m. for more discussion.

Motion was made by Dahl, second by Spannring, to table Ordinance No. 1876 until the next meeting to rewrite section 4.23.1. defining a probationary period and a provision to re-negotiate the bond amount required, as well as when the bond will be implemented. All in favor. Motion passed.

A public hearing was held for the consideration of a tax abatement that was requested by Econo Lodge. Juanita Fatouros addressed the Commission with comments in favor of allowing the tax abatement. Other comments were heard from Matt Long, PCEDC Director, Vern Beffert, Supt. of Schools, Patty Kiderlen, Chamber of Commerce Director and Nathan Kovash.

Motion was made by Spannring, second by Dahl, to disapprove and go with the City Manager's recommendation to Resolution No. 2914, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING TAX REDUCTIONS FOR THE ECONO LODGE AS A NEW INDUSTRY WITH IMPROVEMENTS VALUED AT \$1,416,197.25.

Commissioner Hall stated that the negative motion on the floor is out of order and gave his explanations why. Spannring and Dahl withdrew their motion.

Motion was made by Spannring, second by Hall, to approve Resolution No. 2914.

Comments were heard from the Commission concerning allowing tax abatements.

The vote was Dahl and Spannring opposed, Hall, Doyle and Mikesell in favor. Motion passed.

City Manager Golnar summarized changes from the last meeting on Amended Resolution No. 2904, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY. Mr. Golnar provided the Commission with additional criteria that determines economic impact and tax abatement proposals on the local economy and explained the changes that were made at the last meeting.

Mr. Golnar responded to a question asked by Commissioner Dahl that State laws must be followed regarding abatement schedules.

Commissioner Hall stated he was concerned about new item 8 on Mr. Golnar's memo. Mr. Hall's concern is how the Chamber of Commerce figures into the equation as they are not a government agency but a special interest group. Mr. Golnar explained.

Matt Long of Park County Economic Development Corporation commented that PCEDC is willing to provide input and ideas to the City but feels that the actual adoption and implementation of the policy is within the City's hands and PCEDC would act in an advisory roll if their viewpoints should be desired.

Mr. Golnar stated that he will come back to the Commission at their next meeting with the changes that were discussed at this meeting.

No other action was taken.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2910, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT BY APPROVING A 2.9% INCREASE FOR FY 98-99.

City Manager Golnar brought up the point that the Commission could make this increase contingent upon his evaluation that is currently due.

Mr. Golnar answered members of the Commissions questions on this increase for budgetary reasons.

Motion was made by Hall, second by Mikesell, to table the resolution until after the City Manager's evaluation. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2911, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT WITH FINANCE OFFICER BY APPROVING A 2.5% FOR FISCAL YEAR 1998-1999. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2912, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AND APPROVING A PAY RAISE OF 2.5% FOR FISCAL YEAR 1998-1999 FOR EMPLOYEES WHICH ARE NOT MEMBERS OF A COLLECTIVE BARGAINING GROUP. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2916, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, COMBINING THE TWO ESTABLISHED MAINTENANCE DISTRICTS INTO ONE DISTRICT TO BE KNOWN AS STREET MAINTENANCE DISTRICT NO. 1 AND TO CONTINUE TO ASSESS PROPERTY THEREIN UPON THE SQUARE FOOT METHOD OF ASSESSMENT. All in favor. Motion passed.

Motion was made by Dahl, second by Spanning, to approve Resolution No. 2917, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH BIG SKY ASPHALT FOR PAVING ROGERS LANE.

City Manager Golnar asked Supt. Tinsley if the dates within the contract pertaining to start and finish of the project would be acceptable. Mr. Tinsley stated he did not know.

Commissioner Mikesell questioned why the road was not paved when Econo Lodge's parking lot was put in. Mr. Tinsley stated that Rogers Lane was in the County at that time and specs needed to be drawn up with the Engineer prior to going out to bid on the project.

Mr. Tinsley confirmed Mr. Mikesell's statement, that on this street there will not be any curbs or gutters.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve first reading of Ordinance No. 1877, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO PREPARE AND IMPROVE STREETS, AVENUES AND ALLEYS WITHIN STREET MAINTENANCE DISTRICT NO. 1. City Manager Golnar explained why this ordinance was needed.

Commissioner Hall commented that this ordinance was a giant step for the City towards to putting concrete plans together over time.

All in favor. Motion passed.

City Manager Golnar commented on the status of the Bike/Pedestrian Path and that MRL has approved the design.

Commission Mikesell commented on the length of time this project has been going on.

Police Officer Cory Lussier has completed his probationary status and has been given a permanent appointment to the Police Department. Mr. Golnar congratulated Mr. Lussier.

Enclosed was a letter of commendation to Dean Hildebrand for his efforts in acquiring bicycle helmets and distributing them free to the youth of Livingston.

City Manager Golnar informed the Commission that the Property, Boiler and Machinery, and Crime Insurance Coverage Binder was received from the Montana Municipal Insurance Authority. The binder is good for 90 days and a contract for insurance will be presented at a future Commission meeting.

City Manager Golnar commented on the proposed Sidewalks Around School Properties project status. The School Board will be reviewing a memo from the Manager at their next board meeting. Mr. Golnar will attend.

Included in the packet was a June 23, 1998 letter that the City supports Upper Yellowstone River Task Force Cumulative Effects Investigation Project proposed to DNRC.

Included in the packet was a June 19, 1998 letter from the Chamber of Commerce responding to Commissioner Dahl's comments on Bed Tax funding in Whitefish.

Included in the packet was a June 11, 1998 memo from Supt. Clint Tinsley stating that the State Highway Department is offering the City 35,000 tons of used asphalt chips. Mr. Tinsley will pursue the contract to obtain these chips for the City.

Compliance monitoring at the Waste Water Treatment Plant was done by the Department of Environmental Quality. Mr. Golnar reported that the Plant is in compliance with State standards and that our employees are doing a good job.

The Police Department has applied for a 1998 Bureau of Justice grant for improved surveillance and community service supervision. Police Chief Steve McCann stated that the grant amounts to \$39,015 and is included in the proposed budget.

City Manager Golnar will provide an updated draft agenda for the Economic Development Work Shop to be held on July 24<sup>th</sup> from 9:00 a.m. to 1:00 p.m. at the Yellowstone Motor Inn.

City Manager Golnar reported that he has been asked to participate on the Legislative and Resolutions Committee of the League of Cities and Towns. This will involve about two meetings a year and he has accepted the appointment.

Code Enforcement began issuing street sweeper tickets on June 29<sup>th</sup>.

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

- July 6<sup>th</sup>, 7:00 p.m. - 7:00 p.m. - City Commission Meeting (Executive Session first)
- July 7<sup>th</sup>, 1:00 p.m. - 2:30 p.m. - South West Area Safety & Health Employers' Coalition; Gallatin County Fairgrounds, Bozeman
- July 8<sup>th</sup>, 10:00 a.m. - Department of Transportation/League of Cities and Towns; 208 N. Montana, Helena
- July 8<sup>th</sup>, 1:00 p.m. - Transportation Equity Act for the 21<sup>st</sup> Century/Information Meeting for Urban Areas; DOT, Commission Room - Room 201, 2701 Prospect Avenue, Helena
- July 8<sup>th</sup>, 4:30 p.m. - City/County Meeting; County Commissioner's Chambers. (Proposed agenda to be provided Monday)
- July 9<sup>th</sup>, 9:00 a.m. - Housing Trust Funds; Holiday Inn, Bozeman
- July 10<sup>th</sup>, 8:00 a.m. - Regular Committee on Public Employee Retirement Systems(CPERS); Room 104, State Capitol, Helena
- July 13<sup>th</sup>, 7:00 p.m. - 9:00 p.m. - Montana Comprehensive Telecommunications Plan - Focus Group Meeting; Bozeman Public Library, 220 E. Lamme, Community Meeting Room
- July 14<sup>th</sup>, 10:00 a.m. - Transportation Coordinating Committee Meeting
- July 17<sup>th</sup> - League of Cities and Towns Legislative/Resolutions Committee (City Manager Attend)

Commissioner Mikesell commented that the free bicycle helmets and ice cream was a great program.

Commissioner Mikesell stated that someone has questioned him concerning there being ecoli in the water at the wading pools in Sacajawea and G Street Parks because of the goose droppings.

Acting Supt. of Public Services Eddie Miller stated that the pools are chlorine treated everyday and, emptied and cleaned twice a week, and if any geese get into the pools, they are drained and cleaned.


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

The time was 10:05 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
July 20, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, July 20, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Sheryl Dahl, Fred Hall, Mike Doyle, Pat Mikesell and Bill Spanning.

Motion was made by Dahl, second by Hall, to approve the following consent items:

- Approve July 6, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims for FY 97-98.
- Accept Bills and Claims for FY 98-99.
- Authorize Payment of MMIA Liability Insurance Premium 98-99.
- Two Appointments to Historic Preservation Commission, Mr. Logan Leachman and Mr. Robert Ebinger.
- City Appointment to Livingston/Park County Public Library - Mrs. Lynn Doyle.
- Accept Gift of Property to City from Irma Lovely.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve a variance request from the rear setback requirements for RII zoning districts by David and Bonnie Rust at 302 S. F. The Rusts wish to build an addition onto their garage, the roof-line of which would match the existing roof-line of the garage that is three feet from the rear property line. Code requires a five foot rear setback.

City Planner Jim Woodhull explained the request to the Commission. All in favor. Motion passed.

Motion was made by Dahl, second by Spanning, to approve the special event involving LRC Reception and Dinner for the National Defense University at the Band Shell in Sacajawea Park on July 23, 1998 contingent upon receiving the signature by the Health Officer.

City Manager Steve Golnar summarized the special event. A certificate of insurance has been received by the City. Acting Supt. of Public Services Eddie Miller answered questions asked by the Commission.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to authorize filing of Jenkins plat for future transfer of Cambridge Street right of way.



City Planner Woodhull provided the Commission with a map of the area. City Manager Golnar explained that Jenkins built a portion of their house in the right of way and that the transfer of property ownership needs to be accomplished so that the Jenkins can secure title to their property. It was noted by staff, that upon filing of the plat, the attorney will draw up a quit claim deed and the selling price of the right of way is based on the tax assessment and will be \$2,900.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to charge the La Leche League the \$50 Civic Center rental fee as established and if they do not use the Civic Center the \$50 will be refunded.

City Manager Golnar explained the La Leche League's request and stated he did not recommend waiving the Civic Center rental fee as non-profit rental fees have been established.

Commissioner Dahl directed the City Manager to work something out with the open gym that is scheduled until 6:00 p.m. that night in case the La Leche League uses the Civic Center.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1877, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO PREPARE AND IMPROVE STREETS, AVENUES AND ALLEYS WITHIN STREET MAINTENANCE DISTRICT NO. 1. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2904, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR TAX INCENTIVES FOR NEW AND EXPANDING INDUSTRY with the inclusion to Exhibit A on page 8 to statement number 11, use of local supplies and contractors are encouraged.

City Attorney Bruce Becker summarized the changes that were talked about at the last meeting.

Commissioner Hall commented that he would like added to section 11, that the use of local contractors and suppliers is encouraged. Discussion was heard from the Commission. Mr. Becker stated that there is a State law that provides Montana preference for both labor and materials.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2918, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTENANCE FOR COMBINED MAINTENANCE DISTRICT NO. 1 AND OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR

100 PER CENT OF COSTS FOR IMPROVEMENTS AND MAINTENANCE FOR FISCAL YEAR 1998-1999 AND CALLING A PUBLIC HEARING THEREON.

Members of the Commission questioned staff on the assessing of property.

Finance Officer Shirley Ewan stated that there are protests that were applied last year that are to be addressed for this fiscal year. Any protests that may be heard this year, will not be applied until next fiscal year.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2919, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION (MDOT) FOR TRANSPORTATION STUDY.

City Manager Golnar explained that this is a funding agreement between the Department of Transportation, the City of Livingston and Park County identifying that we will provide \$14,000 in matching funds, \$10,000 from the City and \$4,000 from Park County. MDT will match that for a total of \$28,000.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2920, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING COMMISSION CHAIRMAN TO SIGN POLICE DISPATCH AGREEMENT WITH PARK COUNTY, MONTANA.

City Manager Golnar stated that the provisions in this contract are the same as last year.

Commission Spannring questioned if any consideration for inflation was involved. Mr. Golnar stated that this agreement was increased by 3% last year, but his recommendation was to try to continue to do this periodically.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2921, A RESOLUTION OF THE CITY COMMISSION 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 reported that the only change in the agreement from last year was an increase in the cleaning of the common area carpets within the building.

All in favor. Motion passed.

Second reading of Ordinance No. 1876, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A FRANCHISE TO LIVINGSTON CABLE AND COMMUNICATION FOR THE

CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM IN  
THE CITY OF LIVINGSTON, MONTANA.

City Manager Golnar explained the three pages that had been revised. Mr. Golnar pointed out that on page 25 of the agreement, the sentence that reads: "This provision does not apply to the routine normal day to day maintenance and repair of the system" was recommended to be eliminated.

All in favor. Motion passed.

The following monthly reports and other minutes were provided for the Commissions information:

Finance Monthly Report (provided separately), June 1998  
Livingston Fire/Ambulance Accounts 1998

Police Chief Monthly Report, June 1998  
Building Department Monthly Report, June 1998  
Water & Sewer Metered Revenues, June 1998  
City Judge Monthly Report, June 1998  
Code Enforcement Monthly Report, June 1998  
Recreation Monthly Report, June 1998  
Transportation Coordinating Committee Minutes,

*Laser Printer Jammed*

CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM IN THE CITY OF LIVINGSTON, MONTANA.

City Manager Golnar explained the three pages that had been revised. Mr. Golnar pointed out that on page 25 of the agreement, the sentence that reads: "This provision does not apply to the routine normal day to day maintenance and repair of the system" was recommended to be eliminated.

All in favor. Motion passed.

The following monthly reports and other minutes were provided for the Commissions information:

- Finance Monthly Report (provided separately), June 1998
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, June 1998
- Livingston Fire/Ambulance Monthly Report, June 1998
- Police Chief Monthly Report, June 1998
- Building Department Monthly Report, June 1998
- Water & Sewer Metered Revenues, June 1998
- City Judge Monthly Report, June 1998
- Code Enforcement Monthly Report, June 1998
- Recreation Monthly Report, June 1998
- Transportation Coordinating Committee Minutes, April 14, 1998
- Library Director's Monthly Report, May 1998
- Library Minutes, May 21, 1998

Commissioner Dahl thanked staff for providing the Code Enforcement information.

Commissioner Hall asked the Finance Officer about the ratio of ambulance payments in the City vs in the County and if the high percentage of in town payments verses bills was a trend. Ms. Ewan stated that the high percentage collection rate rarely happens, but sometimes it does.

Commission Mikesell questioned if the ambulance receivables collected was for this year or past years. Ms. Ewan stated that they were mostly collected from this year.

City Manager Golnar reported that the Corps of Engineers visited Tuesday, July 14<sup>th</sup>, toured the levee doing field work in preparation for modeling of the cross sections and hydraulic analysis to determine the elevation of the 100 year flood plain.

City Manager Golnar reported on the City/County projects. Heating, Ventilating and Air Conditioning, and the roof are the two projects that Mr. Golnar anticipates to bring before the City Commission at the budget workshop next Monday. Mr. Golnar stated that he has identified and secured an application for

a 10 ten year, 4.85% loan from InterCap Loan Fund. A schedule will be provided in the future.

City Manager Golnar reported on the following Transportation Coordination Issues:

Mr. Golnar stated that he is going to move forward with developing a plan for raised planters in the medians North and South of I 90 on South 89 if the Commission concurs. Mr. Golnar stated that the reason for this is if any planting materials are to be placed there, the State recommends that the medians be raised to keep the road grit and materials away from the planters. This will be a CTEP eligible project. The MDT doubts that the City could get approval to construct a CTEP upgrade before 1999 construction of the interstate project. Mr. Golnar stated if the planting space in the median is constructed, the raised planters can still be constructed after the rest of the project is done.

The remaining CTEP funding needs to be obligated by October 1, 1998. Approximately \$48,000 has not been obligated for so far. Mr. Golnar will obtain more information for the Commission concerning this. The public hearing process must be gone through in order to designate a use for the remainder of the funds.

The Dept. of Transportation will be looking into trying to address concerns that were voiced about B Street and 5<sup>th</sup> Street traffic signal timing on Park Street.

The Livingston Transportation Coordinating Committee also reviewed Livingston's positive annual allocations in the Urban Systems funding, this was the first time in a number of years that this balance has been positive. In order to use these Urban Systems allocations, the City needs to develop a transportation plan and identify projects and priorities.

The City Attorney determined that the Commission action to approve a 2.5% increase for all non union employees included the Superintendent of Public Utilities and Superintendent of Public Services. Mr. Golnar has authorized their increases to become effective July 1, 1998.

Accounting Clerk Wendy Gibson has been permitted to engage in part time employment at Chico Lodge as a Night Auditor. This information was provided to the Commission pursuant to City Policy.

Included in the packet for the Commissions information was an article written by Police Chief McCann for publication in the Park County Weekly it identified issues, and informed the public about Police Department activities and challenges.

Included in the packet was correspondence with MRL relating to concerns about trains blocking traffic on 5<sup>th</sup> Street for more than the 15 minute statutory limit. Mr. Golnar stated that he intends to step up the monitoring of when this occurs and Montana Rail Link has provided information on who to communicate these concerns to.

The School District declined to participate in sidewalk construction costs around schools. The remaining options are to require residents to undertake the improvements, seek to fund with available resources, or not to pursue this issue any further.

Commissioner Spanring questioned the City Manager if there might be funds in the future for sidewalks. Mr. Golnar stated that he could continue to look and keep this on the list of projects the City would like to pursue. Funding sources such as Community Development Block Grant were identified as possibilities. Mr. Golnar also stated that he had concerns about if the City starts on a cost sharing project like this, where does it end and how does the City maintain fairness to property owners throughout the whole process.

Included from Montana Rail Link was a thank you for allowing "Operation Life Saver" to park a wrecked vehicle on Triangle Island at Park Street and Highway 10. A July 10<sup>th</sup> letter was included in the packet.

TCI plans to discontinue it's inside wire maintenance program. A June 18, 1998 letter was included in the packet.

The following Callender of City Activities and Events were included for the Commissions information:

- July 20<sup>th</sup> - 7:30 p.m. - City Commission meeting
- July 21<sup>st</sup> - 7:00 p.m. - Upper Yellowstone River Task Force Meeting - Best Western Yellowstone Motor Inn
- July 24<sup>th</sup> - 9:00 a.m. to 1:00 p.m. - Economic Development Workshop - see enclosed agenda. This meeting will be held at the Yellowstone Motor Inn. Commission and Dept. Heads are invited
- July 27<sup>th</sup> - 7:00 p.m. - Budget Workshop
- July 30<sup>th</sup> - 7:00 p.m. - Community Oriented Policing at the City Court Room.
- Aug 3<sup>rd</sup> - 7:30 p.m. - City Commission Meeting
- Aug 5<sup>th</sup> - 4:30 p.m. - City/County Meeting
- 7:00 p.m. - Sister Cities Welcoming Reception - Eastside School - Commission and Department Heads are invited
- Aug 10<sup>th</sup> - 7:00 p.m. - Budget Hearing and Passage
- Aug 13<sup>th</sup> - 7:00 p.m. - Sister City Farewell Reception in Sacajawea Park

The City Manager's Evaluation material will be distributed to the Commission on Tuesday.

Commissioner Hall commented that a good job was done on putting together the Tax Incentive Policy.

Commissioner Hall commented on the Parade and that it was a good parade, but maybe it should be treated as a special event. Mr. Hall stated that there were two items that should be addressed organizational wise with one being, that no one came to the Commission to ask that the open container law lifted and there was a lot of drinking on the street during the parade and after the parade the Police attempted to enforce the law and there were a lot of hard feelings expressed to him. The second item was the lack of after parade cleanup. Mr. Hall suggested that someone needing to do community service could help with the clean up and it could save the City as much cost as possible.

Commissioner Hall mentioned that the State promised to paint cross walks on Park Street by the Depot. Mr. Hall asked that the City Manager follow up.

Commissioner Hall commented on the Dispatch Agreement and stating that he has heard discussion on a proposal that Dispatch be removed as a City job and some sort of board created to make it an independent operation so that each entity can be billed separately. Mr. Hall stated that he brings this issue up, not because he necessarily sees anything wrong, but this would be a proposal and a first step in some sort of consolidation and a maybe a savings could be realized on the part of the City.

Commissioner Spannring stated that he is still interested in getting the sidewalks around Schools completed even if it means making the property owners do the sidewalks and pay for them themselves.

Commissioner Spannring stated he will be out of town on August 3<sup>rd</sup> and 5<sup>th</sup>.

Chairman Doyle was in agreement with Mr. Hall on having the City Manager lighting a fire with the Department of Transportation on the painting the Park Street cross walks on 2<sup>nd</sup> Street.

Commissioner Mikesell stated they needed a fire lit on several items that the DOT is supposed to be doing around the area.

Mr. Doyle stated that his understanding was that the DOT was not going to do anything with the cross walk. Mr. Golnar stated that he brought this up to the Transportation Coordinating Committee meeting and asked what was going to be done with the cross walks and signing, and was informed by a representative of the Department of Transportation that this was pretty much a dead issue until the Transportation Study was over. Mr. Golnar reported what

the State identified they would not tape the cross walks and would have two signs ordered which say, "two intersections" which would be placed before the 5<sup>th</sup> Street intersection and before the B Street intersection. Mr. Golnar stated he will talk with the State again to see what they can do.

Commission Dahl stated that the City was going to back off parking spaces on Park Street. Mr. Golnar commented on impacts of the whole area and stated he would get more information on this subject to the Commissioners.

John Schuler commented on the condition of Rogers Lane. Supt. of Public Utilities Clint Tinsley responded that a contractor has been awarded the bid and they are in the process of paving the road. Mr. Tinsley apologized to Mr. Schuler that the project was not finished at that time and would call the contractor the next day.

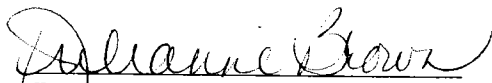
Robert Ebinger thanked the Commission for their appointment of him to the Historic Preservation Committee.

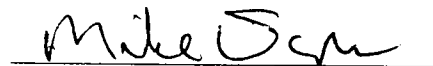
Motion was made by Mikesell, second by Dahl, to adjourn this meeting there being no further business. Motion passed.

The time was 8:45 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN



LIVINGSTON  
CITY COMMISSION MEETING  
August 3, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, August 3, 1998, 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell and Sheryl Dahl. Commissioner Bill Spannring was absent.

Chairman Doyle reminded the audience that the Commission welcomes public comments throughout the meeting and especially at the end of the meeting. Comments are limited to 3 minutes if the person is not on the agenda, and 6 minutes if on the agenda. Anyone wishing to speak needs to address their comments to the Chair.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve July 20, 1998 City Commission Meeting Minutes.
- Accept Bills and Claims for FY 98-99.
- Approval of Post Office Water & Sewer Line Extensions.

All in favor. Motion passed.

John Fryer addressed the Commission regarding chip sealing of his cement street on 3<sup>rd</sup> Street in the Historical District. Mr. Fryer stated that this particular street does not need to be fixed and would like the City to do a survey of the streets that needed to be chip sealed.

Included in an addendum, was a letter from Larry Raffety in support of Mr. Fryer's objections of chip sealing their street.

City Manager Golnar asked what the City should do in the future when someone does not want their street fixed as this issue has not been addressed before.

Supt. of Public Utilities Clint Tinsley responded to the Commission's questions and mentioned that someone from MSU could be contacted for future research regarding street repairs. Mr. Tinsley suggested that the Infrastructure Committee should meet with MSU. Mr. Golnar and the Commission concurred with Mr. Tinsley's suggestion.

Commission Dahl stated that it was up to the City Manager's discretion on how to deal with someone if they did not want their street fixed.

City Manager Golnar reviewed for the Commission, the terms to the letter of appointment of Robert Schmidt to Fire Chief. Mr. Golnar stated that a 2.5%

salary increase was proposed and a \$600 per year uniform line item was added to the budget. When Mr. Schmidt completes the certifications that are outlined in his contract, the salary will be looked at again.

A public hearing was held on Resolution No. 2925, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING THE COST OF MAINTENANCE FOR MAINTENANCE DISTRICT NO. 1 FOR 100 PER CENT OF COSTS IN THE AMOUNT OF \$249,000.00 FOR IMPROVEMENTS AND MAINTENANCE FOR FISCAL YEAR 1998-1999. Comments in opposition were heard from Bob Peters and Steve Hicks.

Supt. Tinsley gave the Commission a handout from the Infrastructure Committee supporting the assessment.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2925. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2922, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING RECEIPT OF PRELIMINARY BUDGET AND GIVING NOTICE OF A PUBLIC HEARING FOR AUGUST 10, 1998, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 1998-1999 with revisions.

City Manager Golnar summarized the changes from the last time the Commissioners looked at the proposed budget. They include:

- \$10,000 has been removed from "Transfer to Other Funds" - 1000.160.5210000.821.
- The sidewalk program by the Schools (\$6,738) has been eliminated from the proposed Capital Improvements Fund.
- \$1000 has been added to expenditures in Facilities/City Shop in the Streets Department for fuel spill cleanup.
- A reduction in the transfer to the Ambulance from the General Fund from \$49,721 to \$47,130. (This General Fund support was in addition to the City's Ambulance Bond Issue and the Ambulance Mill Levy that it anticipates imposing.)
- A clothing line item for the Fire Chief of up to \$600 was added resulting in a revision of the clothing allowance line item in the Firefighter's budget from \$5,400 to \$6,000.
- Liability Insurance was revised from \$62,149 to \$61,149 and insurance on buildings was increased from \$5,335 to \$6,335.

- Community Development Fund #2325 - A Grant to Yellowstone Ballet was revised from \$1,000 to \$4,500 resulting in total grants increasing from \$15,000 to \$18,500.

Mr. Golnar stated the only other change to the budget he had was the authorization to commit \$5,000 for computer wiring with the County, which is included in the budget. City Planner Jim Woodhull has been involved with the County on this project. Mr. Golnar stated that this will be brought up at the City/County meeting on this Wednesday.

Commissioner Mikesell stated his concerns of using CTEP funding for the "raised planters" in the median along the proposed Bike/Pedestrian Path. City Manager Golnar summarized further on the City's obligations and options for use of the CTEP allocation. He recommended that instead of the \$13,050 proposed to be budgeted for a "raised planter in the median" project, the entire remaining balance of \$43,358 plus a local match of 13.42% be budgeted for a capitol expenditure on a "CTEP Project".

Commissioner Hall stated for the record, that the preliminary budget includes a built in pay raise for the Manager. Mr. Hall stated that he thought there was going to be a evaluation in executive session to discuss the Manager's job performance and feels that this would be a prerequisite before approving the Manager's salary increase. Mr. Hall stated that he will reserve the right to make an amendment to the final budget. Commission comments were heard that the funds can be in the budget, but do not have to be spent.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2923, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE LOAN OF \$7,000.00 FROM THE GENERAL FUND #1000 TO RECREATION DIRECTOR'S FUND #2210.

Commission Mikesell stated that he is against this loan and that the program should be able to run itself. City Manager Golnar asked Finance Officer Shirley Ewan to explain what the \$7,000 was for.

Supt. Tinsley explained further for the Commission and asked that they give the program one more chance, that he felt with additional programs they have lined up for this year, they would be able to pay for themselves this year.

Members of the Commission concurred that this year would be the last year they would give the program to work.

All in favor. Motion passed.

Motion was made by Hall, second by Mikesell, to approve Resolution No. 2926, A RESOLUTION OF THE CITY COMMISSION 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 1998-1999 ESTIMATED TO BE IN THE AMOUNT OF \$45,000.00 AND CALLING FOR A PUBLIC HEARING THEREON.

City Manager Golnar explained what this resolution entailed. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 2927, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE SEWER RATES FOR ITS SEWER CUSTOMERS BY 4%.

Commissioner Hall stated he would vote for this resolution based upon a promise on the part of management, that in the next budget process the administrative costs to all 3 of the major Enterprise funds will be reviewed.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2928, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LOWERING GARBAGE RATES. Commissioner Dahl asked the City Manager for the background on this item.

Supt. Tinsley answered recycling questions for Ms. Dahl.

All in favor. Motion passed.

Included in the packet was a new street sweeper schedule along with the old schedule. This will be implemented on a trial basis during the month of August. The new schedule is effective August 3, 1998.

City Manager Golnar stated that he has informed the Commission previously that application from the Yellowstone Motor Inn for a tax abatement under the remodeling statute was received. The Attorney's review of this application noted that it was untimely for this year. His suggestion is that the application be resubmitted for next year for consideration. In the mean time, Mr. Golnar suggested that the City Commission consider developing a policy relating to this tax abatement alternative which is different from the new and expanding industry abatement. The new policy would be developed using most of the information from the "new and expanding industry" policy and coordinating the applicable statutes.

2<sup>nd</sup> and Park Street Communications with Montana Department of Transportation - Included in the packet was a July 27, 1998 letter to Mr. Giard reasserting the City's interest in seeing something done relating to cross walks and signs prior to the completion of the Transportation Study. For the Commissions information, the City Manager was informed on July 30, 1998 by MDT Foreman Jerry Martello that new signs had arrived and were to be installed on either side of the intersection before August 1<sup>st</sup>.

Mr. Golnar reported on the parking spaces on Park Street between Main and 2<sup>nd</sup> Streets to comply with the Uniform Traffic Code. Mr. Golnar first recommendation is the possibility of moving all parking spaces 4 foot down Park Street to make up the parking on the end of the Guest House Motel. The second alternative was to eliminate a parking space on this block. Commissioner Mikesell concurred with Mr. Golnar's recommendations.

Bike Path Status - City Manager Golnar was contacted by Mr. Ed Hedlund the Coordinator of the Community Transportation Enhancement Program for the Montana Department of Transportation. Mr. Hedlund stated that as soon as the City can provide an environmental check list which has been completed for this project, he will authorize a limited approval of the project which will allow the City to move forward with it.

Mr. Golnar reported that the City has a proposed lease from MRL for construction and use of the Bicycle Path on the right of way. Liability insurance required by the lease also needs to be secured. One bid has been received to date and Mr. Golnar hopes to have more options for next meeting so that we can move forward on the Bike Path Project.

A Sister Cities Education Exchange Schedule was provided for the Commission's information. Also a schedule of events and activities which identifies when the welcoming and sayonara celebrations will take place.

The Cultural Exchange is planned for September 25<sup>th</sup> through September 29<sup>th</sup>.

City Manager Golnar summarized the major topics covered at the Legislative/Resolution Committee of the Montana League of Cities and Towns meeting on July 17<sup>th</sup> included:

- CI66 Initiative to require voter approval to impose any new tax or fee.
- SB195 and Court Challenges to its constitutionality.
- The development of proposed legislation to create a State wide resort type tax which would be available by local option through any community in the State.
- Local Government participation in accommodations (Bed) tax distributions.

Other issues include preserving the ability to extend jurisdiction beyond corporate limits for municipal code enforcement, challenges faced by smaller communities due to certification for plumbing and building inspection required by the State, energy restructuring and transportation related issues.

Acting Supt. of Public Services Eddie Miller determined that the pool needs to be closed in order to install the new boiler. The City Pool will be closed August 4<sup>th</sup> and 5<sup>th</sup>.

Fire Chief Schmidt attended training for instructors at the National Fire Academy the previous week. This training can be conveyed to our department employees and should help to raise the professionalism in the department.

The Community Decay Ordinance was Upheld on July 28, 1998. The District Court Judge Nels Swandal determined that the City's community decay ordinance should be enforced relating to the Sam Dore property.

Included in the packet was a July 27, 1998 letter from Architect and former Historic Design Review Board Member Larry Raffety. Staff is working on a revision to City Codes to allow for full authority by the Design Review Board and City staff to constructively influence exterior appearance and paint jobs without a building permit.

Comments on Park Maintenance, Levee and Recreational alternatives for kids was received from former Livingston resident Jane A. Washington.

The following Calendar of City Activities and Events were listed for the Commission's information:

- Aug 3<sup>rd</sup> - 7:30 p.m. - City Commission Meeting; Preliminary Budget  
Passed
- Aug 5<sup>th</sup> - 4:30 p.m. - City/County Meeting
- Aug 5<sup>th</sup> - 7:00 p.m. - Sister Cities Welcoming Reception - Eastside School  
Commission and Department Heads are invited
- Aug 6<sup>th</sup> - 5:30 p.m. to 7:30 p.m. - Economic Development Workshop -  
see enclosed agenda (Community Room)
- Aug 10<sup>th</sup> - 7:00 p.m. - Budget Hearing and Passage
- Aug 13<sup>th</sup> - 7:00 p.m. - Sister City Farewell Reception in Sacajawea Park
- Aug 21<sup>st</sup> - City Manager Evaluations Due
- Sept 8<sup>th</sup> - 7:30 p.m. - City Commission Meeting - City Managers  
Evaluation
- Sept 25-29 - Sister City - Cultural Exchange in Livingston
- Oct 7<sup>th</sup> - Montana League of Cities and Towns Annual  
Conference - West Yellowstone

City Manager Golnar reported that a tentative City/County agenda was included in the addendum for the Commission's information.

Commissioner Dahl questioned why there is 2 hour parking on one side of Park Street and unlimited time parking on the Martin's Café side of Park Street. Ms. Dahl stated that she has received complaints from business owners in the area.

The Commission was in agreement for this to be looked into.

Commission Dahl questioned if there was any plans of having staff enforce Community Decay upon any other Highway Commercial Districts or anyone else.

City Manager Golnar stated that there is nothing else at this time that is requiring legal involvement.

Commission Dahl stated that she has received calls from citizens, that they are receiving letters about needing to license their dogs when they already have.

Finance Officer Shirley Ewan stated that Code Enforcement enters the data and sends out the letters. Ms. Ewan stated that if someone had changed their name or location, this could be the reason a letter would be sent. Ms. Ewan will follow up with Code Enforcement.

Commissioner Hall questioned Police Chief Steve McCann if Nelson's Car lot on the east end of Park Street was encroaching onto the highway. Chief McCann will look into this.

Commissioner Hall questioned Chief McCann if there were any problems with the radios in Dispatch. Chief McCann stated that it was a maintenance problem and is currently being addressed.

Chairman Doyle stated his concerns about the number of geese in Sacajawea Park. Mr. Doyle stated that it was time that the Park was given back to the children of the community. The Park is not getting the use it has in the past and people cannot walk barefoot in the Park anymore due to the amount of goose droppings. Commissioner Mikesell concurred with Mr. Doyle and stated it was time the City did something.


All members of the Commission concurred. Commissioner Dahl reminded the City Manager that she has given him information she received from Minnesota on this subject.

Janet Fay questioned if dogs must be on a lease and are they allowed on the levee. Chief McCann clarified the question for Ms. Fay and stated he has written an article for the Park County Weekly that will be out in this week's paper on this subject.


Chairman Doyle stated the public hearing on the preliminary budget will continue day to day until August 10, 1998, 7:30 p.m. at a special Commission meeting.

The time was 9:20 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN

SPECIAL LIVINGSTON  
CITY COMMISSION MEETING  
August 10, 1998  
7:30 p.m.

The Livingston City Commission met in special session, Monday, August 10, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Bill Spannring, Sheryl Dahl, Fred Hall and Mike Doyle. Commissioner Pat Mikesell was absent.

The public hearing continued with the Preliminary Budget. No public comments were heard.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2830, , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1998, THROUGH JUNE 30, 1999, ESTABLISHING THE TAX LEVY AND AUTHORIZING APPROPRIATIONS.

City Manager Golnar explained the changes that were made before the August 3, 1998 meeting for Commissioner Spannring.

Chairman Doyle commented on the memo from the City Manager to the Commissioners regarding General Fund revenues the City will not be receiving from the Judge's Office. Mr. Golnar confirmed that he did verify with the Judge that his intention was to not charge for court costs and estimated it would amount to \$2,200 per fiscal year. Mr. Golnar noted that the implementation of court fees is discretionary with the Court.

Commissioner Dahl questioned Street Maintenance protests. Mr. Golnar stated that Steve Hicks' protest was the only protest received that fit the protest criteria. Information was included in the last Commission packet relating to the City's response to Mr. Hick's protest last year, in addition to responses to a number of other protests that were received last year. The City did not hear back from any of the others who protested the assessment last year for this year. Mr. Golnar's recommendation to the Commission was to retain the same boundaries to the district as last year which included adjustments made in response to last year's protests.

Ms. Dahl questioned if the City needed a policy to follow the Manager's recommendation. Mr. Golnar confirmed that there should be some sort of a review. Ms. Dahl stated she would like to see this before the end of the calendar year. Chairman Doyle was in agreement.

Commissioner Dahl stated that she had been talking to other communities on how they run their Recreation Program. Ms. Dahl felt the Commission needed to look at



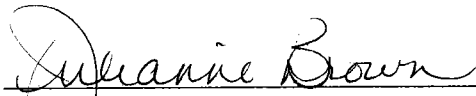
how Livingston's is being run and will be proposing in the future to have the City's Recreation Program run out of the General Fund. She felt that recreation should be funded partially by tax dollars as well as user fees, because it does a great good for the children and adults of our community. Ms. Dahl stated she would like this looked into within the next year, before the next year's budget season.

Commission Dahl questioned the City Manager if he has talked with the County Commissioners concerning Ambulance payments on a monthly basis. Mr. Golnar responded that the request was made at the last City/County meeting. The County also indicated in a letter committing to ambulance funding that they would pay on a quarterly basis. The County did seem willing to consider quarterly payments in advance or some portion of monthly receipts, but said they needed to look into this further and get back to the City. Mr. Golnar stated he would follow up from this discussion with the County Commissioners.

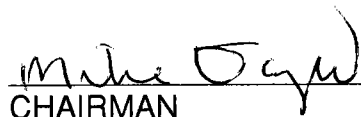
Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 7:48 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
August 17, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, August 17, 1998, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spanning, Sheryl Dahl and Fred Hall. City Commissioner Mike Doyle was absent.

Vice Chairperson Sheryl Dahl chaired the meeting.

Motion was made by Mikesell, second by Hall, to approve the following consent items:

- Approve August 3, 1998 Regular City Commission Meeting Minutes.
- Approve August 10, 1998 Special City Commission Meeting Minutes.
- Accept Bills and Claims for FY 98-99.
- Approve Montana Cultural Trust Grant Application for the Yellowstone Ballet.
- Authorize Payment of \$13,393 for Property Insurance, Surety Coverage, and Inland Marine Coverage with Montana Municipal Insurance Authority.
- Authorize Negotiation of a CDBG Revolving Loan Agreement for \$40,000 with Heckman Specialties.

All in favor. Motion passed.

City Manager Steve Golnar provided the Commission with a recommendation to the 2<sup>nd</sup> and Park Street, East Park Street set backs for parking to comply with the Uniform Traffic Code.

Mr. Golnar stated that by reducing the loading zone space by the Guest House, his recommendation is to increase the setback from 16' to 20' and move the loading zone and the "no parking zone" in front of the Guest House four feet to the East, which would allow the City to maintain the same level of parking on this section of street that is currently there and meet the Uniform Traffic Code Parking Setback for both intersections.

Mr. Golnar stated that the Commission at their last meeting asked him to look into parking on North Park Street and possibly moving to two hour parking.

Mr. Golnar stated that he sent out a memo to individuals and businesses located along Park Street from Timber Trails to the Livingston Bar Grille, including the American Bank and the Winchester Restaurant, to provide information relating to the parking setback issue and the two hour parking on North Park Street. The Department of Transportation responded to the City Manager, that the City makes the determination on the length of time for parking on Park Street.

A number of comments were heard concerning changing the parking on the North side of Park Street to two hours. They were included in the addendum and were from the Winchester Café, Whiting Motors and the Murray Hotel. Mr. Bailey was present for comments.

Vice Chair Dahl stated that there were two separate issues here and the Commission would address the setback issue first.

No comments from the audience were heard concerning the setbacks on Park Street.

Motion was made by Hall, second by Mikesell, to amend the parking zone setbacks on the East side of Park Street from 16' to 20'. Mr. Golnar answered for Mr. Hall that there has not been any pressure from the State to make these adjustments. The State commented to the Manager that the City should be in compliance. City Attorney Bruce Becker answered a question from Mr. Hall on the liability of the intersections should the City not be in compliance.

Commissioner Mikesell stated he would like the other streets on Park Street to be reviewed for Uniform Traffic Code setback compliance also. Mr. Golnar stated he would look into this.

All in favor. Motion passed.

City Planner Jim Woodhull provided background information on a variance request from Dr. Jeffrey Dickerson of 1104 E. Park Street. Mr. Dickerson requested a variance from the front setback requirement for Highway Commercial zoning districts. He wishes to build an addition on to his business, Livingston Veterinary Hospital, which would only leave twelve (12) feet from the building to the front property line. Currently the structure is eighteen (18) feet from the front property line. Code requires a twenty (20) foot front setback.

Motion was made by Mikesell, second by Hall, to approve the variance request. All in favor. Motion passed.

A public hearing was held on Resolution No. 2929, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN STREET LIGHTING DISTRICT NO. 20 FOR 100 PER CENT OF COSTS TO MAINTAIN AND SUPPLY ELECTRICITY TO STREET LIGHTS THEREIN FOR FISCAL YEAR 1998-1999 ESTIMATED TO BE IN THE AMOUNT OF \$45,000.00. No public comments were heard.

Motion was made by Mikesell, second by Spanning, to approve Resolution No. 2929. All in favor. Motion passed.

The following Department Head monthly reports and other minutes were provided for the Commissions information:

- Financial Monthly Report (provided separately)
- City Court Monthly Report, July 1998
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, July 1998
- Police Chief Monthly Report, 1998
- Building Department Monthly Report, July 1998
- Recreation Monthly Report, July 1998
- Code Enforcement Monthly Report, July 1998
- Incoming Water & Sewer Monthly Report, July 1998
- Library Minutes, June 18, 1998
- Livingston Fire/Ambulance Monthly Report, July 1998 - Not Available

City Manager Golnar reported that the revision to the Historic Design Review Code that allows the City to constructively influence exterior appearance and paint jobs without a building permit will be before the Commission at their next meeting.

City Manager Golnar has contacted the grass seeding contractor that seeded the levee last fall, and he has identified that he honestly thinks he did what was asked of him in the contract and is willing to work with the City to "make things right". He would like to bring in an expert or two to work with City staff and discuss options for optimal seed growth on the levee. No definite arrangements with the seed contractor have been made at this time.

Colleen Grady with the Corps of Engineers anticipates to have results during the week of August 17<sup>th</sup> for the hydraulic models of the Yellowstone River 100 year flood level.

Mike Kelly with the Corps of Engineers who is preparing the PL8499 Non Public levee compliance report, is waiting for this cross section information to make his final recommendations to bring Livingston's levee within compliance with Federal law.

City Manager Golnar reported on 2 hour parking from Main to 3<sup>rd</sup> Streets on the Depot Side of Park Street. Mr. Golnar did contact the Chamber of Commerce and other businesses on Park Street and the majority's indication was not favorable for the implementation of the 2 hour parking for the length discussed. Responses were heard back from a few of the people and were included in the Commission's addendum. Mr. Golnar's recommendation was that this issue be incorporated into the Transportation Study which is being undertaken by the City, County and State.

John Bailey of Dan Bailey's commented that on May 18<sup>th</sup> the Commission had a meeting to discuss stop signs at Park and 2<sup>nd</sup> Streets. Mr. Bailey stated that he hired an attorney to make sure that the Commission at least heard the

businesses in the area and their concerns. Mr. Bailey stated that the Commission agreed to do nothing with all of these issues until the Transportation Study was done. Mr. Bailey does not want to see a piecemeal approach and is willing to work on the study. Mr. Bailey stated that if parking is such a problem in the downtown area, he would sell the City his two buildings to be torn down for parking. Mr. Bailey is opposed to changing the North side of Park Street to 2 hour parking.

Comments were heard from members of the Commission and they were in favor of waiting for the traffic study.

Mr. Golnar commented on how some of the information is being gathered for the traffic study. Commissioner Mikesell stated that he hopes the traffic study gets done in a reasonable time. Mr. Golnar responded that the City is currently reviewing an agreement with the Department of Transportation and the County for the scope of services. Mr. Golnar state that something will be ready for the Commission's review at the next meeting to authorize the City to go out for request for proposals for a consultant selection. After that, he feels it will take about 8 months.

City Manager Golnar reported that he has contacted Mr. Jim Hoover of the US Fish & Wildlife Service concerning the controlling of geese in Sacajawea Park. Mr. Hoover stated that he can herd the geese and relocate them, but this can only be done during the molting season which is in June. Mr. Golnar has submitted a request for his assistance next June.

Commissioner Mikesell asked that the Manager provide information on Mr. Hoover's past success of relocating geese.

City Manager Golnar stated that he is trying to push the Bike Path Project to have it under contract with the Montana Department of Transportation.

Mr. Golnar stated that purchasing liability insurance per the agreement with Montana Rail Link has been holding up the project. He feels that City should not enter into a liability insurance agreement with MRL until breaking ground for the path. MRL's attorney has agreed in concept that this makes sense and is updating the lease agreement and providing an amendment to the agreement identifying that it is alright to postpone acquisition of liability insurance until construction time.

Dime Insurance has updated their bid for insurance at approximately \$4,800 per year for MRL right of way Bike/Pedestrian Path liability insurance. Mr. Golnar stated that he is trying to pool insurance coverage with other communities that have bicycle paths along railroad right of ways and has talked with the Montana Municipal Insurance Authority to try work toward that end, but that it will not happen this fiscal year.

Mr. Golnar is hoping that there will be a lease agreement and authorization from CTEP to move forward on this project, and go out for bid at the next Commission meeting.

Included in the packet, was a letter from Acting Supt. of Public Services Eddie Miller responding to a letter that was in the last Commission packet regarding Sacajawea Park.

City Manager Golnar provided the Commission future budget issues for FY 99-2000 that need to be followed up on. Vice Chair Dahl requested that he add to the list, the continuation of funding for bank stabilization of the old landfill at Mayor's Landing.

City Manager Golnar will be assembling a draft comment on the State Accommodation Tax for the City and County Commission's review. The deadline is September 1, 1998.

City Manager Golnar reported that PC Development (Northern Lights) has been sent a letter on what their option is relating to street lights. The City has incorporated the subdivision lighting bill into the Street Lighting Maintenance District budget. If the lights are installed, it is expected to be paid for by the developer.

A summary of issues from the Economic Development Workshop of August 6, 1998 was provided for the Commission's information, along with a letter from Kara Ricketts.

Mr. Golnar will let the Commission know when the next meeting is to be held.

The following calendar of events was provided for the Commission's information:

Aug 21 <sup>st</sup>	City Manager Evaluations Due
Aug 27 <sup>th</sup> - 7:00 p.m.	- COPS Meeting, City Court Room
Sept 8 <sup>th</sup> - 7:30 p.m.	- City Commission Meeting - City Managers Evaluation; Sewer Rate Increase Hearing
Sept 18 <sup>th</sup> -	League of Cities and Towns Legislative Meeting; Bozeman
Sept 24 & 25 -	Yellowstone Heritage Partnership Meeting - anyone interested in attending? See materials
Sept 25-29 -	Sister City - Cultural Exchange in Livingston
Oct 7 <sup>th</sup> -	Montana League of Cities and Towns Annual Conference - West Yellowstone; (also MMIA Risk Management Networking Group Meeting)

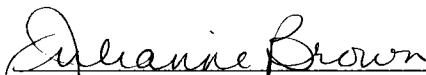
Vice-Chair Dahl questioned if the Potter/Clinton project street light design addressed light pollution. Mr. Golnar responded that this was discussed when the initial project was reviewed, and a boxed light with a beacon that shown to the ground was planned.

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

The time was 8:07 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
VICE CHAIRPERSON

LIVINGSTON  
CITY COMMISSION MEETING  
September 8, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Tuesday, September 8, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Sheryl Dahl, Fred Hall, Mike Doyle, Pat Mikesell and Bill Spanning.

Motion was made by Dahl, second by Spanning, to approve the following consent items:

- Approve August 17, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims
- Request Homecoming Parade, September 25, 1998.
- Waiver Open Container Law for Oktoberfest, September 26, 1998.
- Approve Eye Run Route, September 26, 1998.
- Consent to Proceed with Drafting an Ordinance to Amend Certain Sections of the Municipal Codes Pertaining to Code Enforcement.

All in favor. Motion passed.

Commissioner Hall pulled the Sewer Main Rehabilitation Bids - Uptown Area from the consent items for further discussion.

Bids were opened for slip lining of the sewer mains in the uptown area on August 27, 1998 at 3:00 p.m. Three bids were received and are as follows:

Tele-Environmental Systems - Glenwood Springs, Colorado  
\$137,691

Insituform Technology, Inc. - Salem, Oregon  
\$194,805

PEC, Inc. - Helena, Montana  
\$145,988

Supt. of Public Utilities Clint Tinsley's recommendation is that the bid from Tele-Environmental Systems be approved with the scope of the initial bid being reduced.

City Manager Steve Golnar reported that the initial scope of the bid was revised as the bid came in higher than was budgeted. Mr. Golnar proposed that the size of the bid be reduced from the initial bid of \$137,691 to \$88,446. Mr. Golnar reported what work would be accomplished by reducing the bid to fit the budget. Engineer Scott Nelson stated that he has received verbal authorization from the Tele-Environmental Systems that they would agree upon the reduced scope of work for this project. Mr.



Golnar recommends that the Commission approve entering into a contract contingent upon written verification from the contractor accepting the revised scope of work.

Commissioner Mikesell questioned where the additional \$8,000 plus would come from to pay over what was budgeted. Mr. Golnar stated that Supt. Tinsley has identified that the additional funds would be available through savings in other capital projects that are budgeted in the sewer area.

Motion was made by Hall, second by Dahl, to revise the form to reflect a revised scope of \$88,446 and authorize the Manager to go ahead and get a contract in order for that figure once the City receives written confirmation that the contractor accepts that figure.

All in favor. Motion passed.

Chairman Doyle proclaimed October 12-17, 1998 as Wind Week in the City of Livingston.

Will Hall addressed the City Commission stating that he has a problem with the towing rotation in the city and would like to see a towing contract. Mr. Hall stated he would like an investigation on everything he mentioned to the Commission and on a towing contract within the next 30 days.

John Kronske of J & J Automotive addressed the Commission to agree with everything that Mr. Hall mentioned.

Valerie Hall addressed the Commission questioning the agreement and the officers are soliciting AAA.

Comments and discussion were heard from Staff, the Commission and the Manager. Mr. Golnar stated he would like to see the contract also, and will do some research, and bring it back to the Commission. The Commission was in favor of re-negotiating the towing contract.

This item dealt with authorizing distribution of the Heckman Specialties CDBG Revolving Fund Loan. City Manager Golnar stated that in the last meeting, the Commission authorized the preparation of a loan agreement to authorize distribution of the Heckman Specialties CDBG Revolving Fund Loan based up on a recommendation from the Loan Committee of the Park County Economic Development Commission in the amount of \$40,000 for a 5 year loan at 7% interest. This money comes from the Revolving Loan Fund that was generated by the LRC Grant and is available for re-lending. Heckman Specialties makes gun barrels for specialties rifles and will be hiring new people. Mr. Golnar's recommendation is to go forward with this loan, however it was noted that the resolution for the City to enter into the loan agreement needed to be passed first.

Motion was made by Dahl, second by Mikesell, to amend the agenda by taking Action Item B and moving it after Resolution No. 2934 (Item 7.E.) which authorized the Heckman Specialties Loan Agreement to be signed by the City Manager. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to authorize Trout Unlimited to place a sign on Fleshman Creek and waiver permit fee contingent upon review by Staff.

City Manager Golnar reported that the sign would be contingent upon review and approval by the Building Inspector and City Planner. Staff will be involved in the placement of the sign.

All in favor. Motion passed.

City Manager Golnar reported on a recommendation by Supt. of Public Utilities Clint Tinsley to authorize the chip sealing of the Chinook Street Ditch Line before winter with paving to take place in the Spring of next year.

Commissioner Hall stated this was a management decision and questioned the estimate of \$400 per block, if this was material the City already had, or if more oil and chips were needed. Utilities Foreman Steve Brewer reported that additional material would be needed and would be paid for out of the Street project. Mr. Hall stated that this needed to be dealt with fairly quickly.

Commissioner Mikesell stated he wanted this street fixed to avoid more complaints and hopes the price to pave is not higher next Spring opposed to now. Mr. Mikesell stated that the enclosed letter does not sound good to him.

Mr. Golnar stated that this seems to be the best way to go at this time. Mr. Hall questioned when an Infrastructure Committee meeting was to be scheduled and felt that this time should be on the top of that agenda. Mr. Golnar stated he would schedule a meeting.

City Manager Golnar asked that the Action Item to authorize City Manager to sign application of land reclamation contract for the Donovan Borrow site be tabled until the next meeting. The City has been in contact with the Department of Environmental Quality and will be setting up a meeting with Mr. Donovan, the State, the Contractor and the City for further discussion. There was a deadline and DEQ has had extended it to just after the current meeting, since then they have agreed to the previously mentioned meeting.

Motion was made by Mikesell, second by Dahl, to table this item. All in favor. Motion passed.

Motion was made by Hall, second by Mikesell, to approve Resolution No. 2930, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONSTRUCTION AGREEMENT WITH STATE OF MONTANA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. NH-STPHS 11-1(27)53. An updated signature page to the agreement was in the addendum. City Manager Golnar explained that this was the Loves Lane Project and what it entailed.

Commission Mikesell questioned if there was going to be a right hand turn lane on Highway 89 South onto Loves Lane. Staff was unsure if a right hand turn lane was included in the project. City Manager Golnar will talk with the State and see.

All in favor. Motion passed.

A public hearing was held on Resolution No. 2931, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE SEWER RATE FOR ITS SEWER CUSTOMERS BY 4%. No public comments were heard.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2931. The increase will be going into Sewer Operations.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2932, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO CONVEY PROPERTY TO ROBERT J. JENKINS BY QUIT CLAIM DEED. City Manager Golnar reported that the parcel is 70 feet long by 18 feet deep into the street right of way.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2933, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING FINANCE DIRECTOR TO CLOSE OUT FUNDS #2230, #2941, #2942 AND #3300 AND TRANSFER FUNDS. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2934, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LOAN AGREEMENT WITH HECKMAN SPECIALTIES. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the \$40,000 drawdown for Heckman Specialties. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2935, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON OVERALL INCREASE IN APPROPRIATION AUTHORITY FOR FIRE PENSION FUND #2374 BY \$117,345.00 AND POLICE PENSION FUND #2373 BY \$85,360.00 FOR FISCAL YEAR 1997-1998.

City Manager Golnar explained that this resolution is due to a change in the generally accepted accounting practices where the amount that the State spends toward pension funds for the Police and Fire employees is now identified as a revenue and expenditure. These amounts have not been counted before as revenues and expenditures by the City and previously have been identified as a State expenditure and held separate from the City's accounting system. Last year the accounting standards changed. The Auditor's are required to look at this standard and this resolution applies to the FY 97-98 budget.

Finance Officer Shirley Ewan stated that there is no actual cash going in or going out.

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to approve first reading of Ordinance No. 1878, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE HISTORIC DISTRICT OVERLAY ZONING ORDINANCE NO. 1692 AS CODIFIED IN THE LIVINGSTON MUNICIPAL CODE BY §§ 31.01 THROUGH 31.11 BY REQUIRING ALL PROJECTS WHICH AFFECT THE EXTERIOR APPEARANCE OF A BUILDING WITHIN THE HISTORIC DISTRICT TO BE REVIEWED BY THE HISTORIC PRESERVATION COMMITTEE FOR APPROVAL WHETHER OR NOT A BUILDING PERMIT IS REQUIRED. City Planner Jim Woodhull gave background information on this ordinance.

Commissioner Hall questioned the enforcement of this ordinance. Extensive discussion was heard from staff and the Commission.

All in favor. Motion passed.

City Manager Comments included the following:

Bike/Pedestrian Path Status - CTEP has reviewed the plans and has given limited approval to move forward with this project.

A letter was received from Montana Rail Link indicating that they will allow the City to enter into a lease with them for the railroad right of way and insurance will not need to be purchased until construction begins. The project will not go out for bid until a lease is signed with MRL. Mr. Golnar stated that this will push the project beyond this year's construction season and into early Summer next year. Mr. Golnar suggested going out for bid next January or February with anticipated construction in the Spring to early Summer next year. This would require the City Manager to request from CTEP an extension of funding, with them already indicating verbally that they would have no problem with an extension for another year.

The City Commission was in agreement with the Manager's plan to postpone bids until the lease is received from MRL as long as the City Manager received in writing from CTEP that they will grant an extension. If not, Commissioner Mikesell stated he wanted the project to move forward this year.

Transportation Study Status - A disk has been received from the State on request for proposals and a proposed contract for the services of an engineering firm to develop the study. After legal review and final editing for our local circumstances, the RFP process will be initiated.

Goose Problem - The City Manager has followed up with Jim Hoover of the US Fish and Wildlife Service regarding his plan for herding the geese next June. Mr. Hoover stated that he has been doing similar type of work at the Laurel Golf Course. He did comment that this is a tremendous problem in most cities in the United States. Mr. Golnar stated he will contact the Laurel Golf Course and give the Commission an update on their experience and suggestions.

Commissioner Dahl asked that the Manager verify with Mr. Hoover if there is a cost to the city for the removal of the geese.

Legislative Update - City Manager Golnar commented on his September 1, 1998 letter to the Bed Tax Futures Task Force and a comment from the League of Cities and Towns relating to the bed tax redistribution. Mr. Golnar mentioned that a memo dated September 3, 1998 requesting supporting information for legislative testimony on the local share of the lodging tax or resort type tax was provided separately.

Personnel Related Issues:

- Building Inspector Taylor Pierson has received his ICBO Certification.
- It was identified that the implementation of the Firefighter collective bargaining contract was incorrect. Mr. Golnar stated that there was some overpayment to Firefighter's, has corrected the problem at this point, and has notified the bargaining unit and would like to address the overpayment on how to recoup the overpayment over the course of the fiscal year.
- City Manager Golnar has authorized the outside employment of Jeff Schoenen who has purchased the Fire Hall Fitness Center.
- The City was recognized by HRDC for the supervising of a summer youth employee for the Summer of 1998. Vicky Landers has worked in the City Office for the last 3 years and staff has appreciated all of her assistance. Administrative Secretary Julie Brown was also recognized for supervising Vicky.
- Enclosed in the packet were letters of appreciation to Dispatcher Claudia Swanson from Chief McCann and Highway Patrol for her assistance in recovering drug paraphernalia and drugs which lead to an arrest.

Transportation Related Issues -

- City supported Department of Transportation's plan to provide J & L Country Store with access onto Centennial Drive - Letters were included in the packet relating to this topic.
- Issue of street maintenance methodology in downtown area referred to Infrastructure Committee - Included in the packet were an August 26, 1998 memo and follow up memo to Mr. Joseph Swindlehurst dated August 27, 1998.
- Follow up on Park and Second Streets setback issue and two hour parking on the North side of Park Street - Included in the packet was an August 24, 1998 memo sent to Park and Second Streets area property owners. Also included was a list of those property owners.

- Review of Park Street Intersection parking setbacks from compliance with Uniform Traffic Code Setback requirements was requested by a August 28, 1998 memo. No response is back at this time.

- TCI has announced its intention to merge with AT&T. Mr. Golnar stated he will be contacting TIC for further information and will forward it to the Commission at that time.

The following calendar of events and activities was provided for the Commission's information:

Sept 8<sup>th</sup> 7:30 p.m. City Commission Meeting (Tuesday)  
 Sept 9<sup>th</sup> 4:30 p.m. City/County Meeting - See Proposed Agenda  
 Sept 9<sup>th</sup> 5:30 p.m. Economic Development - See Goals/Work Plan Economic Development September 1998  
 Sept 15<sup>th</sup> 1:00 p.m. - 7:00 p.m. Montana Economic Development Association Meeting (Bozeman)  
 Sept 16<sup>th</sup> 7:00 a.m. - 4:00 p.m. Montana Economic Development Association Meeting (Bozeman)  
 Sept 18<sup>th</sup> League of Cities & Towns Legislative Meeting (Helena)  
 Sept 21<sup>st</sup> 7:30 p.m. City/Commission Meeting  
 Sept 22<sup>nd</sup> 8:30 - 2:00 p.m. Counterpoint Open Space Opportunities, Ideas & Issues Forum (Community Room) - See Agenda  
 Sept 22<sup>nd</sup> 7:00 p.m. Public Meeting to Discuss Proposed Plan for BN Clean Up of Livingston Site  
 Sept 24<sup>th</sup> & 25<sup>th</sup> Yellowstone Heritage Partnership Meeting - Anyone interested in attending? See Materials  
 Sept 25<sup>th</sup>-29<sup>th</sup> Sister City Cultural Business in Livingston  
 Oct 7<sup>th</sup> - 9<sup>th</sup> Montana League of Cities & Towns Annual Conference - West Yellowstone; (also MMIA Risk Management Networking Group Meeting)

Commissioner Dahl questioned when the City was going to start working on the Mayor's Landing Project to get it rolling prior to a possible next year flood. City Manager Golnar responded that something will be started before a possible flood next year.

Commissioner Dahl questioned if there was any follow up on the seeding of the levee. City Manager Golnar reported that he has a meeting this week with the contractor and Eddy Miller to look into options for seeding and follow up from last time. Mr. Golnar stated that one of the things they are trying to do, is to coordinate the restricting of access to the levee slope as part of the plan. The City is also waiting for final comment from the Corp of Engineers relating to their river cross section studies. Ms. Dahl questioned when the Corp study was due. Mr. Golnar responded soon, he's hoping for next week.

Commissioner Dahl questioned if the agreement that the City signed with the State for the erosion control plan was in compliance. Mr. Golnar will look at that again.

Commissioner Mikesell questioned the rip rap on the boat ramp at Mayor's Landing. City Manager Golnar stated that project has not been finished at this time, as the contractor is waiting for the water table to go down. Mr. Golnar stated that he needs to get an extension on the contract.

Commissioner Mikesell stated his daughter, wife, and daughter's PE Teacher has suggested keeping the swimming pool opened longer in the season so that the High School can use it for swimming classes during PE for the first part of the school year. Mr. Mikesell stated he thinks it is a good idea. Chairman Doyle agreed with Mr. Mikesell that this was a good idea if feasible. City Manager Golnar stated he would add it to his next years budget issues list.

Chairman Doyle stated "good job" to Taylor Pierson for his ICBO Certification.

No public comments were heard.

Chairman Doyle 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. The time was 8:45 p.m.

The meeting went back into open session at 10:35 p.m.

Motion was made by Dahl, second by Mikesell, to bring off the table Resolution No. 2910, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT BY GIVING A 2.9% PAY RAISE FOR FISCAL YEAR 1998-1999. All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2910. All in favor. Motion passed.

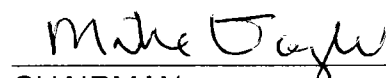
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 10:36 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
September 21, 1998  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, September 21, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Mike Doyle, Pat Mikesell, Bill Spanring, Sheryl Dahl and Fred Hall.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve September 8, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims.
- Direct City Attorney to Revise Sewer Mini Camera Policy. A resolution on a policy will be ready for the next meeting.

All in favor. Motion passed.

Chairman Doyle proclaimed October 5<sup>th</sup> - 14<sup>th</sup>, 1998 as Fire Prevention Week in the City of Livingston.

A public hearing was held on Resolution No. 2937, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING INCREASE IN APPROPRIATION AUTHORITY FOR FIRE PENSION FUND #2374 BY \$117,345.00 AND POLICE PENSION FUND #2373 BY \$85,360.00 FOR FISCAL YEAR 1997-1998. No public comments were heard. Motion was made by Mikesell, second by Dahl, to approve this resolution.

City Manager Steve Golnar stated that the memo included in the packet pertaining to this resolution really belongs with Resolution No. 2936.

Any budget amendment needs to be approved by the City Commission with at least a three quarter's affirmative vote.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1878, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE HISTORIC DISTRICT OVERLAY ZONING ORDINANCE NO. 1692 AS CODIFIED IN THE LIVINGSTON MUNICIPAL CODE BY §§ 31.01 THROUGH 31.11 BY REQUIRING ALL PROJECTS WHICH AFFECT THE EXTERIOR APPEARANCE OF A BUILDING WITHIN THE HISTORIC DISTRICT TO BE REVIEWED BY THE HISTORIC PRESERVATION COMMITTEE FOR APPROVAL WHETHER OR NOT A BUILDING PERMIT IS REQUIRED. Public comment was heard from Harlan Durgan stating his concerns about this creating more red tape for a person wanting to paint his house or business in this district. City Planner Jim Woodhull stated



who was on the Historic Committee, that the group meets once a month and reported that there was no charge for this permit.

This ordinance covers any work that does not require a building permit, including sandblasting.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2936, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING APRIL THROUGH JUNE, 1998, BUDGET LINE ITEM TRANSFERS AND ADJUSTMENTS FOR THE FISCAL YEAR 1997-1998 BUDGET FOR THE CITY OF LIVINGSTON. City Manager Golnar once again reported that the memo that related to line items transfers relates to this item. Mr. Golnar questioned if the Commission would like to see the line item transfers on a quarterly basis through a resolution or have the Manager authorize these transfers as identified in the budget resolution. Mr. Golnar stated that this would be a change in policy that has been done in the past.

The Commission has no problem listing the line item transfers in the Finance Officers report after the City Manager authorizes and signs off on them.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve Resolution No. 2938, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MINED LAND RECLAMATION CONTRACT WITH MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY.

City Manager Golnar stated that a meeting of the parties was held. A letter was sent to Mr. Donovan and summarized the nature of the agreement. Mr. Golnar stated that his hesitation to sign such a contract with the State was that technically the City was not the operator of the pit and there are some obligations associated with being an operator of a pit which include insuring that it is re-vegetated and topped in a proper manner. Mr. Donovan did not feel that the pit was appropriately resurfaced when JTL finished their job. JTL offered to credit the City \$1,200 which was their estimate to finish the job while their equipment was on site. The Department of Environmental Quality has fined the City \$1,000 as they have concluded from previous meetings that the City was the "operator". DEQ stated that they may be able to have that fine waived if the City signs the mined land contract and a side agreement is worked out with Mr. Donovan relating to the City's liability.

Mr. Golnar proposed that if the DEQ did waive the \$1,000 fine, then the City would transfer the \$1,000 to Mr. Donovan to off set his expenses to get the pit reclaimed. In exchange, Mr. Donovan would sign a "Hold Harmless and Release Agreement" with the City associated with the pit reclamation. It would also hold JTL harmless.

If the penalty was waived by DEQ, the \$1,000 payment would come out of the Emergency Fund.

Commissioner Hall stated that this was an expensive lesson. An amendment to the motion was made by Hall, second by Dahl, that before any money is exchanged,

both DEQ and Donovan have to have signed off on exhibit B. All in favor. Amendment passed.

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

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 2939, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH TELE ENVIRONMENTAL SYSTEMS FOR SEWER MAIN REHABILITATION. Written verification was received from Tele Environmental Systems that they would accept the revised scope of work.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2940, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN DISCLAIMER TO LOTS 19, 20, 21 AND 22 IN BLOCK 35 OF THE PARK ADDITION OT THE CITY OF LIVINGSTON. City Attorney Bruce Becker explained the necessity of this action. The State and the County has signed off on this and now it is being asked of the City. This way the people involved can have clear title to their property where the old Yellowstone River Channel used to be located. The City does not have an interest in the property.

The Commission questioned the City Manager if this went hand in hand with other buildings like the Enterprise, swimming pool and all land owners along Freshman Creek. City Manager Golnar stated that this land was surveyed and applied for by the property owners. Mr. Golnar stated he is not sure where the State will go with the granting of other properties. Attorney Becker stated he was not sure, but it may show change in State policy. Mr. Golnar stated he will pursue this with the State.

All in favor. Motion passed.

City Manager Golnar reported that Police Officer Tom Totland has completed his one year probation and will be put on as full time officer effective September 2, 1998.

Commissioner's Hall and Mikesell requested that a possible restructuring of Dispatch Services be on the agenda for discussion.

Mr. Hall stated that Dispatch was no longer a telephone answering service and a call forwarding service. That when 911 came in place, Dispatch became an emergency response service and it may be time to consider revamping Dispatch the way it operates, its organization, and the whole nine yards.

Mr. Hall stated he had a simple proposal he would like the Commission to consider, with that being: the Commission appoint 2 people, himself and the Manager, to sit on a small temporary four person committee, along with two members of the County Commission to discuss amongst themselves what sort of goals they would like to set, and to outline a study committee to make a study of the whole dispatch situation and report back to the City Commission and the County Commission in a month's time with the small committee's recommendations on forming the larger study committee.

The study committee will have its recommendations brought back to the City and County Commissions on March 1, 1999. Mr. Hall stated that anything that may be done, needs to be done within budget restrictions and considerations. Mr. Hall would like dispatch to be looked into in depth.

Commission Dahl asked that the revamping of the jail also be looked into at this same time. Mr. Hall feels that the jail study is a separate issue from a dispatch study.

Motion was made by Hall, second by Mikesell, to send 2 members of this Commission, himself and Mr. Golnar, having Mr. Golnar as a coordinator to set up a small committee meeting to make recommendations to this Commission on Dispatch.

More discussion was heard with the Commission and staff on how the committee would work.

Police Chief McCann responded to questions asked by the Manager and commented that a dispatch study was done in 1993 and explained the extent of that study.

Mr. Hall would like the small committee to meet and bring back information to the next Commission meeting. Chairman Doyle stated that no disrespect is intended to be shown to the Police Department by going forward with this study.

All in favor. Motion passed.

The following monthly reports were provided for the Commission's information:

- Finance Monthly Report, August 1998 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, August 1998
- Livingston Fire Department Monthly Report, August 1998
- Police Department Monthly Report, August 1998
- City Judge Monthly Report, August 1998
- Water and Sewer Metered Revenues Monthly Report, August 1998
- Code Enforcement Monthly Report, August 1998
- Recreation Monthly Report, August 1998
- Building Inspector Monthly Report, August 1998
- Library Minutes, July 16, 1998
- Library Director's Monthly Report, July 1998

Supt. of Public Utilities Clint Tinsley explained his monthly report for Commissioner Mikesell.

Commissioner Mikesell questioned the City Attorney on his report. Mr. Becker asked the Commission for what exactly they wanted in his status reports, as tracking his time would lead to large reports. Commissioner Dahl stated she only wanted follow up and the status each month of the major cases that the City is involved in.

City Manager Golnar stated that he did receive verbal authorization for the CTEP funding extensions for the Bike Path. He has not received this authorization in writing at this time.

The connections to the mains at Chinook Street and 7<sup>th</sup> and 8<sup>th</sup> Streets were installed on September 19, 1998. Crews will be preparing the road for chip sealing and temporary pavement caps at the heavy intersections on September 21, 1998 and the chip sealing is anticipated to begin on September 22<sup>nd</sup> or 23<sup>rd</sup>.

City Manager Golnar has authorized the repair of the retaining wall by Fleshman Creek to protect any further degradation of sidewalks or the abutting newly built road. This will cost approximately \$2,500. Discussion was heard about when the retaining wall was put in and that an ordinance needs to be in place to protect the City from something like this happening again.

City Manager Golnar stated that he has sent out RFP's and a proposed contract for final review of all parties involved with the Livingston Area Transportation Study. He anticipates sending the RFP out on or before October 1, 1998.

City Manager Golnar stated he has left a message with Rob Bukvich with the Montana Department of Transportation in Bozeman regarding the right hand turn lane on Highway 89 South onto Loves Lane. Mr. Golnar does not have an answer as of yet and when he gets an answer, will put it in the Commissioner's box.

Eddy Miller, Robert Harper, Chairman Mike Doyle and the City Manager attended a meeting with Day Spring Nursery's owner Larry Chvilcek and the seed provider for this project. Day Spring indicated that they would work with the City in providing some sort of discount for applying new seed if access onto the levee and some sort of barricading of walking onto the levee face at any point if initiated first.

City Manager Golnar has talked with Mike Kelly of the Corps of Engineers on the 17<sup>th</sup> of September. He indicated that the City should receive the report on the analysis of the levee's impact on the 100 year Flood Plan within a few days. He agreed to Federal Express the report to the City. It is expected about the 23<sup>rd</sup> of September.

City Manager Golnar stated that he is still working on determining if the City is in compliance with the DEQ permit on erosion control compliance with Engineer Nelson. Mr. Golnar noted that in reviewing the conditions of growth on the levee during our tour with Day Spring, that significant growth was taking place on the river side of the levee.

City Manager Golnar has requested that Scott Nelson of Nelson Engineering review the City's current bank stabilization permits which were issued in conjunction with the levee work to determine if it's possible to move forward with the bank stabilization project down stream from the Mayor's Landing Boat Ramp

A preliminary view of the number of impounded vehicles which the City has requested to be hauled by wrecking services in the last 20 months totaled 22 vehicles in all. These vehicles were hauled at the request of the City directly to the City's impound lot where the City charges a storage fee and an administration fee when picked up. Mr.

Golnar stated currently it costs \$36 per tow. Chief McCann has also requested that the City ask the Criminal Investigation Bureau to conduct an investigation to determine the validity of Mr. Will Hall's accusations of corruption within the Police Office. Mr. Golnar has asked the Attorney to follow up on this request as CIB has indicated that they would prefer to deal with the City or a County Attorney.

Mr. Golnar directed the Commission's attention to section XIII "Addressing the Commission" under the "Rules of Procedure for the City Commission of Livingston, Montana" which was passed by Ordinance No. 1869 on February 17, 1998. Item 5 under this section states "Any person making personnel comment impertinent or slanderous remarks or who shall become boisterous or disruptive during the Commission meetings shall be forthwith barred from further presentation of the Commission by the presiding officer, unless permission to continue be granted by a majority vote of the Commission." Mr. Golnar encouraged the Commission to consider if the towing instance met the requirements of this paragraph and to be mindful of future such circumstances which the Commission encounters. He also suggested that some training or review of when the Commission should implement Item #5 is in order.

The Commission was in favor of inviting Ken Weaver of the Local Government Center, MSU, to hold a training class.

City Attorney Becker talked with CIB and is currently putting together a report for them. He has contacted Will Hall and asked Mr. Hall to give him a written statement to substantiate his accusations. Mr. Hall will provide this to Mr. Becker by Wednesday. Mr. Becker then will forward all his information to the Criminal Investigation Bureau.

Commissioner Dahl publicly apologized to Police Chief McCann for allowing all that was said at the last meeting. She does not believe the Police Chief or the Police Department is corrupt and was sorry that she did not say anything in reply and does not feel that an investigation is needed on the City's department.

Chairman Doyle agreed with Ms. Dahl and feels that as a chairman, he was focused on letting people say all they have to say, but feels he handled that particular part of the last meeting in error.

Commissioner Spannring disagreed. Mr. Spannring stated that when the public comes, they need to listen to what they have to said.

Commissioner Mikesell agreed with Mr. Spannring.

City Manager Golnar will set up an off Monday worksession with Mr. Weaver.

Commissioner Hall agreed with Mr. Spannring and the Chairman was right by not gaveling Mr. Will Hall down at the last meeting. Commissioner Hall stated that this has been placed in the public arena and it will be necessary for some sort of public response to be made in the public arena to make it clear.

Enclosed were letters written by the City Manager to the Stillwater Mining Co. and TIC, the company hiring individuals to work at the Stillwater Mine. They are geared toward encouraging these company's to look at the Livingston area for housing and potential service industries which might support the mining operation. Mr. Golnar stated that he will seek to set up a meeting to tour the City and its facilities with mine officials at some

time in the future in addition, a tour of the mine will be planned and he will keep the Commission informed.

City Commissioners stated that scheduling a mine tour on a weekend would work the best.

The following calendar of activities and events was listed for the Commission's information:

Sept 18 <sup>th</sup>	Manager Attends League of Cities and Towns Legislative Meeting (Helena)
Sept 19 <sup>th</sup>	Chinook Street Water Main Work at 7 <sup>th</sup> and 8 <sup>th</sup> Street Intersections
Sept 21 <sup>st</sup>	7:30 p.m. - City Commission Meeting
Sept 22 <sup>nd</sup>	Noon - City County Airport Board Meeting (Sport Restaurant)
Sept 22 <sup>nd</sup>	7:00 p.m. - Public Meeting to Discuss Proposed Plan for BN Clean Up of Livingston Site - City Commission and affected Department Heads are encouraged to attend. This will be a the District Court Room in the City/County Complex
Sept 23 <sup>rd</sup>	4:00 p.m. - Infrastructure Committee Meeting (Utility Building)
Sept 25-29	Sister City Cultural/Business Exchange in Livingston and Helena - See enclosed proposed itinerary
Oct 1 <sup>st</sup>	7:00 p.m. - Police Oriented Policing
Oct 7-9	Montana League of Cities and Towns Conference - West Yellowstone

Commissioner Dahl feels that the City Attorney's appointment should run with the fiscal year opposed to the calendar. Ken Weaver of the Local Government Center supported Ms. Dahl with this. The reason Ms. Dahl would like to look into this is for budgetary purposes and also to give the new Commission 6 months to work with the City Attorney to make sure they agree with his appointment.

Other Commissioners supported Ms. Dahl's concept and asked the Manager look further into.

Commissioner Dahl questioned the City Manager about the parking setback on Main and Park Streets, the right turn onto Main Street. Mr. Golnar stated he would have something for the next meeting.

Commissioner Dahl questioned how Mr. Fick's complaint should be handled. Mr. Golnar stated that he has asked the Police Chief to follow up on this complaint. Chief McCann stated that not all the issues are Police Department issues and explained the issues and actions that he can take care of. City Attorney Becker stated that he has directed Mr. Fick to the Department of Environmental Quality concerning the ground pollution.

Commissioner Hall stated that there is a situation that bothers him at the vicinity of Matt Smith's Building and O'Byrne Bookstore concerning sandwich signs. A complaint was

received by the City and Mr. Smith was told by the City Planner, that based on the existing ordinance, they could not have a sign anywhere except in front of their own business. The sign was sold to Russ Chatham who put it in front of his business, and Mr. Smith was told to move the sign again.

Mr. Hall feels that if the ordinance is written in such an inflexible manner, then the Commission should rewrite the ordinance so that it is flexible in situations such as this.

Commissioner Dahl questioned the City Planner if there was a special exception allowance in the ordinance. Planner Woodhull stated that since the sandwich boards are placed in the public right of way, they are themselves an exception.

Further discussion was heard between the Commission. The Commission was interested in putting the ordinance back on the table to be amended so that it becomes more flexible. (Amended at 10/5/98 Commission Meeting)

Commissioner Mikesell stated that coming out of Centennial Drive, the Exxon station has a sign on their post that blocks the view of traffic coming up Park Street and was a traffic hazard. The City Planner will look into this.

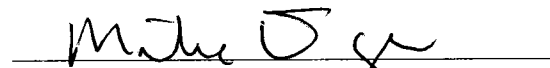
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:17 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
October 5, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, October 5, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring, Sheryl Dahl and Fred Hall.

Commissioner Hall pulled the minutes from the Consent Items.

Motion was made by Dahl, second by Hall, to approve the bills and claims in the amount of \$34,197.60. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to amend the September 21, 1998 minutes on page 8, third paragraph, to say: delete "No action was taken" and add "The Commission was interested in putting the ordinance back on the table to be amended so that it becomes more flexible."

All in favor. Motion passed.

City Manager Steve Golnar summarized the Review of Dispatch for Future Approach meeting that was held in the past two weeks.

Mr. Golnar stated four individuals attended this meeting. The proposal from that meeting was to assemble a seven member study group that would consist of 2 elected officials from the City, two County elected officials, one citizen appointed by the City, one citizen appointed by the County and one member selected by the above six. The City Manager would staff the group with the assistance of the Police Chief, Sheriff, Fire Chief and other personnel as needed. Mr. Golnar stated that all users of the Dispatch System would be welcome to attend these meetings and provide input for the process.

The proposed scope of work was provided in the packet for the Commission's information. Mr. Golnar stated that the next step would be to review this at the October 14<sup>th</sup> City/County Meeting and then have the selection of appointees by the City for this group at the next City Commission meeting.

Commissioner Hall added that the emphasis at the meeting was that this was going to be inclusive and absolutely everybody that has any concern, use of the Dispatch, or just an opinion, is going to be given opportunity to visit with the study group as much as they would like. Mr. Hall stated that is what they are seeking, is input. The purpose of this committee is to include everyone.

Commissioner Dahl reiterated her points that were mentioned at the last City Commission meeting, that this review of Dispatch should work in conjunction with the possible Jail restructuring and would like to make sure that this is not lost in the sights of this study and review.



Included in the packet was a draft "Impound and Police Vehicle Towing Policy for the Commission's review and comment. City Manager Golnar stated that impound towing is a service that the City is paying for and requesting from various providers for towing vehicles that are either abandoned or need to be impounded for one reason or another. Because the City is requesting the service, Mr. Golnar felt that the City should set the price that it would pay and offer the opportunity to anyone that wanted to be on a rotation. The proposal also stated that this will be reviewed every odd numbered year. Mr. Golnar's recommendation was to direct that a contract for services be developed using the Impound and Police Vehicle Towing Policies as a basis for a contract.

Commissioner Dahl questioned the Police Chief regarding number 4 to the proposed policy, which requires towing services on the rotation list to "not refuse to accept requests for impound or police vehicle towing in succession". Police Chief Steve McCann stated previously that this practice got to be a problem area and is why it was included in this policy.

Chairperson Doyle questioned the paragraph identifying additional charges. Chief McCann explained.

Motion was made by Dahl, second by Mikesell, that the Commission move forward with the draft Impound and Police Vehicle Towing Policy and have it become a contract.

Mr. Golnar answered questions for Commission Hall.

All in favor. Motion passed.

City Manager Golnar summarized a letter the City received a few days earlier from the Corps of Engineers in response to the City's request for inclusion of the levee into the PL84-99 Rehabilitation Assistance for Non-Federal Flood Control Projects Program.

The Corps of Engineers has identified that the levee is in the floodway and therefore not eligible for inclusion into the PL84-99 Program. The Corps has also requested that the City remove the advanced measures levee in compliance with the agreement entered into between the City and Corps on April 24, 1997 prior to their work on the advanced measures project. The Corp has also offered the City assistance under the authority of section 206 to provide for the planning non-structural flood control alternatives and possibly assistance in helping to construct some of these alternatives. Mr. Golnar stated that the Corps is not clear on the level of assistance at this time.

The Montana Department of Emergency Services has been contacted and asked what possible assistance for the levee removal efforts that might be out there. The Manager included a response from them in the addendum.

Mr. Golnar stated that he felt it is necessary to contact other critical facilities that are identified in the advanced measures economic impact analysis to inform them of the Corps decision and invite their involvement in the discussions for future community solutions. Mr. Golnar has contacted Mr. Larry Buss of the Corps Flood Plain Management Services Branch who would like a letter requesting specific assistance from the City of Livingston before the Corps moves forward with a response. Mr. Golnar stated he would request that the Corps begin or initiate the process of identifying what kind of non-structural assistance they can provide, what technical

assistance would be involved, what construction assistance would be possible, and finally, the City Manager would like to encourage a long term solution which would address flood plain and flood management issues in addition to property protection which could be wrapped up into one package. Mr. Golnar would also like to better understand the impact of the Corps cross section analysis of the river and the location of the flood way and 100 year flood plain and implications for future planning and the short term expansion or construction of any facilities in the areas that have been identified.

Comments were heard from Tom Lane in favor of other ideas being pursued before the levee is taken out. Mike Fleming stating that it would be a great injustice to the town if the Corps makes the City take down the levee. Caron Cooper stated her liability concerns to the City if the levee is maintained as it is. Father Dale Yurkovich of the ST. Mary's Church stating that people who gave dollars to help the levee be put into place, should be asked what their opinions are on moving or lowering the levee. Vern Beffert, Supt. of the Schools requested the opportunity for the School District to participate in discussions of this issue and will ask the School Trustees to participate administratively in any kind of discussion of this issue over a period of time and asked if the Commission would postpone any action until he can obtain further information.

Further discussion was heard from staff, the audience and the Commission. Mr. Golnar felt that the City could assemble an attractive mitigation package and the City could get nominated for some assistance under FEMA's "Project Impact" program. Montana has the opportunity to nominate a community for participation in this program. Currently three sites are under consideration within the state. A tentative date has been set for 6:00 p.m. on October 13, 1998 for a presentation.

The Commission was in favor of postponing their scheduled meeting with Ken Weaver of the Local Government Center which was scheduled for 7:00 p.m. on this same evening.

Included in the packet was a letter from the Community Oriented Policing Council indicating the Committees support of a proposed skate park within the City of Livingston. Chairperson Doyle explained that he and Commissioner Mikesell requested that this be agendaed and reported that liability concerns discouraging skate parks had been resolved through the Montana Municipal Insurance Authority. Mr. Doyle would like to form a committee to further develop the idea and bring it back to the Commission for their approval.

The Commission commented that this was a great idea. Mr. Mikesell stated that he would like to be on the Committee.

Valerie Hall addressed the Commission thanking them for working so quickly on the towing and impound policy and thinks that the skate park is a wonderful idea as she has young children and offered her services to the Commission.

Commissioner Spannring questioned if the lack of safety equipment that the children wear, affects the liability insurance. Mr. Doyle answered that all questions could be addressed through the committee.

Mr. Golnar reported that this project was not incorporated into the FY 98-99 budget. Commissioner Dahl stated that the funding could be incorporated into the Commission's budgeting process next year, along with the Dispatch.

City Manager Golnar provided 22 Montana League of Cities and Towns 1998 resolutions and position statements proposed by the Legislative/Resolutions Committee and recommended that Chairman Doyle be designated as the City's voting delegated delegate and that the City support all of the resolutions.

Motion was made by Dahl, second by Mikesell, to appoint Commissioner Doyle as the voting delegate and to support resolutions 1 through 22 as proposed.

All in favor. Motion passed.

City Manager Golnar will provide Commissioner Dahl with a copy of his response to the State concerning the Bed Tax.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2941, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ITS POLICY FOR USE OF ITS MINI-CAMERA AS ESTABLISHED IN RESOLUTION 2876. All in favor. Motion passed.

Resolution No. 2942, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH HUMANE SOCIETY FOR BOARDING IMPOUNDED ANIMALS. Cindy Sikorski, a representative of the Humane Society addressed the Commissioner to answer questions and state that there were three areas of the contract that needed addressing.

Staff and Ms. Sikorski discussed the changes and will be brought back to the Commission at their next meeting. No action was taken.

Resolution No. 2943, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR GRANTING TAX BENEFITS FOR REMODELING, RECONSTRUCTION OR EXPANSION OF COMMERCIAL BUILDINGS OR STRUCTURES. City Attorney Bruce Becker explained the proposed policy. Discussion was heard on the proposed resolution. A comment was heard from Valerie Hall.

Attorney Becker will rework the policy and it will be brought back to the Commission at the next meeting. No action was taken.

Motion was made by Mikesell, second by Dahl, to approve first reading of Ordinance No. 1879, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 1842 TO ADOPT BY REFERENCE THE UNIFORM BUILDING CODE, 1997 EDITION, WITH STATE AMENDMENTS; ADOPTING BY REFERENCE THE STATE AMENDMENTS TO THE MODEL ENERGY CODE, 1993 EDITION; ADOPTING BY REFERENCE THE STATE AMENDMENTS TO THE CABO ONE AND TWO FAMILY DWELLING CODE; BY

REFERENCE THE CODE FOR BUILDING CONSERVATION, 1997 EDITION; BY REFERENCE THE UNIFORM MECHANICAL CODE, 1997 EDITION, WITH STATE AMENDMENTS; BY REFERENCE THE UNIFORM ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; REPEALING THE UNIFORM HOUSING CODE AND REPEALING THE UNIFORM PLUMBING CODE AND ORDINANCES 1853 AND 1854. City Attorney Becker gave the Commission background information on this ordinance and stated that this brings the City current with State Codes.

City Manager Golnar will look to see if the Uniform Housing Code was passed by the Commission for the Affordable Housing Project before the next meeting.

All in favor. Motion passed.

Motion was made by Hall, second by Mikesell, to approve first reading of Ordinance No. 1880, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A BOARD OF APPEALS TO HEAR AND DECIDE APPEALS OF ALL ORDERS, DECISIONS OR DETERMINATIONS MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THE BUILDING CODES ADOPTED BY THE CITY OF LIVINGSTON. City Attorney Becker explained that State Law requires that the City create a Board of Appeals if the City enforces the Uniform Building Codes.

All in favor. Motion passed.

Barbara Dean addressed the City Commission with a written statement that was included in the packet regarding the Police Dispatch services.

City Manager Golnar reported on the status of the Donovan Borrow Pit Agreement. Mr. Golnar stated that \$2,200 was included in this meeting's bills for payment to Mr. Donovan, but will not be released until signatures are received from the Department of Environmental Quality.

City Manager Golnar reported that comments have been received on the Request for Proposals for the Transportation Study and will be sent out soon.

City Manager Golnar received verbal authorization for a one year extension for a CTEP Project.

City Manager Golnar received a letter from the Department of Transportation informing the City of their approval in a 60% increase in urban funding.

City Manager Golnar reported that a right hand turn lane off of Highway 89 South onto Loves Lane are in the State Project plan.

A letter was received from Counterpoint regarding a sidewalk accessibility problem in the downtown area.

City Manager Golnar reported on the parking setbacks at Park and Main Street. Existing setback does not meet the Uniform Traffic Code requirements. Manager Golnar reported that he did not anticipate Commission action on this issue at this time. If the Commission wishes to take action, the issue would be placed on the next agenda as an action item and the affected business owners would be notified. It was agreed to bring this back at the next meeting as an action item.

Commissioner Dahl requested that the Commission go back to item E of the City Manager's Comments referencing the sidewalk accessibility problem. Ms. Dahl stated that she remembers hearing that in the downtown historic area, the City could qualify for a CDBG grant to redo curbs and sidewalks, and would like this looked into. Chairperson Doyle and Commissioner Mikesell agreed with Ms. Dahl. Supt. of Public Services Ken Kastelitz reported to the Commission, the challenges of putting in ADA accessibility ramps in the downtown area.

Engineer Scott Nelson has informed the City Manager that all permits are up to date for moving forward with some sort of bank stabilization project on the Mayor's Landing river frontage. Mr. Golnar did report that a DEQ permit was received, authorizing a short term exemption from surface water quality turbidity standards until December 30, 1998. Mr. Golnar is working with Engineer Nelson on a plan.

City Manager Golnar reported that the City is two officers short in the Police Department and are in the process of interviewing applicants to replace the vacancies.

The Police Department was successful in obtaining a \$3,500 Law Enforcement Block Grant Assistance for two ballistic shields and four ballistic helmets. The City is also waiting to hear from the Department of Justice on another grant that was applied for through the Police Department. Chief McCann reported on what this grant would involve.

Included in the packet, was a list of six individuals from the Fire Department that will be attending the National Fire Academy in the next few months. A proposed plan for overtime was worked out to minimize those costs.

City Manager Golnar has authorized Supt. Tinsley to initiate the bid process for a new backhoe. This is a budgeted item and will be replacing a 12 year old backhoe.

City Manager Golnar has asked Supt. Tinsley to review the status of the Airport roads with Mr. John Stillman of the Airport Board. Mr. Golnar noted in the packet that it appears the City can work out any differences with the Airport Board relating to the repair of the roads.

City Manager Golnar has received a letter from Mr. Jim Hoover relating to the goose population control plan. It appears that manpower and equipment would be the City's contribution to this effort.

City Manager Golnar has authorized \$2,650 for cables to be extended to the City offices in cooperation with the Park County Network Wiring Project.

Use of the City swimming pool for use of the Schools in the fall has been reviewed. The total cost is approximately \$12,668. Mr. Golnar has contacted Vern Beffert, Supt. of Public Schools who indicated that the School System would not be interested at this time.

Mr. Golnar reported that a meeting with the directors of the Firehall Fitness Center and the Wellness Center has been scheduled for October 13<sup>th</sup> at 11:00 a.m. to discuss the survey on a possible indoor swimming pool. The Schools and County will be invited to this discussion.

The following calendar of activities and events were included for the Commission's information:

Oct 5 <sup>th</sup>	5:00 p.m. - Fireman's Pancake Supper 7:30 p.m. - City Commission Meeting
Oct 7-9	League of Cities and Towns Convention - West Yellowstone (Mike Doyle, Steve Golnar, Bruce Becker and Clint Tinsley)
Oct 12 <sup>th</sup>	Columbus Day Holiday - City Offices Closed
Oct 13 <sup>th</sup>	6:00 p.m. - FEMA Project Impact - District Court Room .
Oct 14 <sup>th</sup>	4:30 p.m. - City/County Meeting - County Commissioners Chamber
Oct 15 <sup>th</sup>	11:30 a.m. - 1:30 p.m. - Robert's Rules of Order Workshop
Oct 15 <sup>th</sup>	5:00 p.m. - BN Cleanup Workshop (tentative)
Oct 16 <sup>th</sup>	1-4 p.m. - Yellowstone River Cumulative Effects Study Tour - See Attached
Oct 23 & 24	First Annual Manufacturing Conference - Helena - See Letter
Oct 28 <sup>th</sup>	1:00 p.m. - Infrastructure Committee - Utilities Building
Nov 2 <sup>nd</sup>	City Commission Meeting
Nov 3 <sup>rd</sup>	Election Day - City Offices Closed
Nov 11 <sup>th</sup>	Veteran's Day - City Offices Closed

Commissioner Spanning thanked the firefighters, donators and all individuals who helped with the Annual Firefighter Pancake Supper. This supper benefits Fire Prevention.

Commissioner Mikesell stated that the City has lost Officer's Dean Hildebrand and Jason Sarisky and he was sorry to see them go and commended them for the Bike Patrol Program they were involved in. Mr. Mikesell stated he was amazed at how many children were wearing helmets due to the Bike Patrol Program.

City Manager Golnar reported that Jason Sarisky was interested in continuing to serve as a Reserve Officer for the Police Force. Mr. Golnar stated he will be proposing a policy for a reserve force in the near future.

Chairman Doyle mentioned that Officer Quillen and Officer Lucia were interested in continuing with the Bike Patrol Program.

Commissioner Dahl congratulated the Police Department on obtaining the Law Enforcement Block Grant.

Commissioner Dahl questioned the City Manager on getting the City Attorney on a fiscal schedule. Mr. Golnar stated he is working on this.

Fire Chief Schmidt suggested that the City consider the BMX Bicycle design along with the Skate Park. City Manager Golnar will look into the insurance coverage of adding the BMX bikes to the Skate Park.

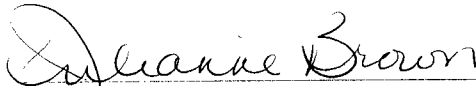
Commissioner Dahl thanked the Fire Department for the Pancake Dinner.

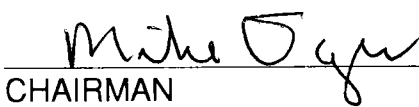
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 9:36 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

Livingston  
City Commission Meeting  
October 19, 1998  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, October 19, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell, Bill Spanning and Sheryl Dahl.

Chairman Doyle reminded the audience that the Commission welcomes public comments. Comments are limited to 3 minutes if the person is not on the agenda, and 6 minutes if on the agenda. Anyone wishing to speak to the Commission should address their comments to the Chair.

Motion was made by Mikesell, second by Dahl to approve the following Consent Items:

- Approve October 5, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims.
- Request for Alley Closure by Blue Slipper Theatre for Annual Haunted House, October 28<sup>th</sup> - 31<sup>st</sup>, 5:00 p.m. - 11:00 p.m.
- Approve Draft Letter of Response to Corps of Engineers Regarding Levee Removal and Implications for Flood Way and 100 Year Flood Plain Map.
- Approve Draft Letter of Response to Disaster and Emergency Services Division Requesting Increase in Levee Removal Funds and Deadline Extension.
- Confirm Chairman's Skate Park Committee Appointments.
- Authorization for INTERCAP Funding and Direct City Manager to Request INTERCAP Loan Agreement for Consideration at Future Meeting.

All in favor. Motion passed.

Fire Chief Robert Schmidt recognized Patrick Walker, Firefighter/EMT who did an outstanding job in saving a life. Mr. Walker was presented with a plaque for his positive performance.

Chairman Doyle proclaimed October 19<sup>th</sup> - 23<sup>rd</sup>, 1998 as Business and Professional Women's Week in the City of Livingston, Montana.



A public hearing was held on second reading of Ordinance No. 1879, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 1842 TO ADOPT BY REFERENCE THE UNIFORM BUILDING CODE, 1997 EDITION, WITH STATE AMENDMENTS; ADOPTING BY REFERENCE THE STATE AMENDMENTS TO THE MODEL ENERGY CODE, 1993 EDITION; ADOPTING BY REFERENCE THE STATE AMENDMENTS TO THE CAB ONE AND TWO FAMILY DWELLING CODE; BY REFERENCE THE CODE FOR BUILDING CONSERVATION, 1997 EDITION; BY REFERENCE THE UNIFORM MECHANICAL CODE, 1997 EDITION, WITH STATE AMENDMENTS; BY REFERENCE THE UNIFORM ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION; REPEALING THE UNIFORM HOUSING CODE AND REPEALING THE UNIFORM PLUMBING CODE AND ORDINANCES 1853 AND 1854. No public comments were heard.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1880, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A BOARD OF APPEALS TO HEAR AND DECIDE APPEALS OF ALL ORDERS, DECISIONS OR DETERMINATIONS MADE BY THE BUILDING OFFICIAL RELATIVE TO THE APPLICATION AND INTERPRETATION OF THE BUILDING CODES ADOPTED BY THE CITY OF LIVINGSTON. No public comments were heard.

All in favor. Motion passed.

City Planner Jim Woodhull provided background information for a variance request from Mr. William Caldwell at 820 E. Butte Street. Mr. Caldwell wishes to build a deck onto the front of his house which would extend out to the front property line. Code requires a twenty-five (25) foot front setback.

No quorum was present at the scheduled Board of Adjustment meeting to address this variance. Based on the Findings of Fact section of the staff report, the City Zoning Administrator feels that it is appropriate for the Board of Adjustment to recommend that the City Commission disapprove the variance request. If the Commission wishes to grant the request, they need to make findings on at least one of the questions different from the ones contained in the Staff Report.

Discussion was heard from the Commission and Mr. Caldwell.

Motion was made by Dahl, second by Mikesell, to adopt the Commission's Fact Findings in favor of granting the variance. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the Caldwell variance request. All in favor. Motion passed.

City Planner Jim Woodhull provided background information for a variance request from Mr. Roger Chandler at 415 N. C Street. Mr. Chandler wishes to build a garage which would be three (3) feet from the side property line. Code requires a five (5) foot side setback.

No quorum was present at the scheduled Board of Adjustment meeting to address this variance. Based on the Findings of Fact section of the staff report, the City Zoning Administrator feels that it is appropriate for the Board of Adjustment to recommend that the City Commission disapprove the variance request. If the Commission wishes to grant the request, they need to make findings on at least one of the questions different from the ones contained in the Staff Report.

Discussion was heard from the Commission.

Motion was made by Dahl, second by Mikesell, to adopt the Commission's Finding of Fact in favor of granting the variance. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the Chandler variance request. All in favor. Motion passed.

City Planner Jim Woodhull provided background information for a variance request from Ms. Pamela Nelson, 511 N. F Street. Ms. Nelson wishes to build an enclosed porch onto the front of her house which would extend out to five and a half (5 ½) feet from the front property line. Code requires a twenty-five (25) foot front setback.

No quorum was present at the scheduled Board of Adjustment meeting to address this variance. Based on the Findings of Fact section of the staff report, the City Zoning Administrator feels that it is appropriate for the Board of Adjustment to recommend that the City Commission disapprove the variance request. If the Commission wishes to grant the request, they need to make findings on at least one of the questions different from the ones contained in the Staff Report.

Discussion was heard from the Commission.

Motion was made by Mikesell, second by Hall, to adopt the Commission's Finding of Fact in favor of granting the variance. All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve the Nelson variance request. All in favor. Motion passed.

City Planner Jim Woodhull provided background information for a variance request from Ms. Gloria Pollock at 711 E. Gallatin Street. Ms. Pollock wishes to build a garage which would be two (2) feet from the side property line and on the rear property line. Code requires a five (5) foot side and rear setback.

No quorum was present at the scheduled Board of Adjustment meeting to address this variance. Based on the Findings of Fact section of the staff report, the City Zoning Administrator feels that it is appropriate for the Board of Adjustment to recommend that the City Commission disapprove the variance request. If the Commission wishes to grant the request, they need to make findings on at least one of the questions different from the ones contained in the Staff Report.

Discussion was heard from the Commission and Mr. Pollock. Mr. Pollock provided additional pictures.

It was noted that the proposed garage is such a large building, that by placing it 2 ½ feet further to accommodate the property line set back of 5 feet, would still leave Mr. Pollock with a sizable garage.

The Commission felt that with this size of building, it should fit within the codes in this particular area.

Motion was made by Spanring, second by Dahl, to disapprove this variance and accept the Staff's Fact Finding. All in favor. Motion passed.

City Manager Golnar stated that the City was approached by the Montana Power Company Corporation who wants to extend a safety switch for their sub-station located along Highway 10 by the Pamida Washington Street entrance. MPC's request is for an extension into the City's right of way to create a safety zone for the switch. Mr. Golnar's suggestion would be to issue a quit claim deed whereby the City of Livingston conveyed all interest of the property and the right of way involved to MPC. Mr. Michael Cech, Engineer for Montana Power was present to answer the Commission's questions. MPC is interested in accessing the site before the weather turns bad so that they can do the necessary construction.

Commissioner Hall stated that he sees no problem with granting Montana Power Company an easement to put a fence around the area, but he has serious reservations about transferring ownership of the right of way and he sees no need to. Mr. Hall would like the property to revert back to the City at such time there is no use for it.

Motion was made by Hall, second by Spanring, to authorize the City Attorney to prepare an easement agreement with Montana Power granting them the area they are requiring (12' x 49') per their sketch with the proviso that the easement revert back to the City at such time that it is no longer used by the power company.

An amendment to the motion was made by Hall, second by Dahl, that the City authorize Montana Power to begin construction at their convenience with proviso that we are provided a letter absolving the City of any liability. All in favor of the amendment. Amendment passed.

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

City Manager Golnar asked Mr. Cech for a legal description with which to prepare an easement.

City Manager Golnar reported that Robin Billau the Technical Assistance Coordinator for the Park County Environmental Coalition was present to give the Commission a summary report of their concerns and comments relating to the BN Clean Up.

Mr. Golnar will draft a City Comment to the Department of Environmental Quality Proposed Plan and Feasibility Studies for the Burlington Northern Livingston Shop Complex clean up. A public hearing will be held October 22, 1998 at 6:00 p.m. at the City County Building.

Chairman Doyle urged all people in the community to write a letter to the State with their concerns.

City Manager Golnar stated that Chief Schmidt offered to assist in assembling a Project Impact application for submission to the Department of Emergency Services and FEMA. Chief Schmidt explained the application further.

Mr. Golnar stated that he has talked with the County Commissioners and they felt that the process was not far enough along and did not allow for enough participation and coordination with the County to be the sponsor for the Project Impact

application, but indicated they would write a letter of support if the City did submit this application.

The Commission mentioned their concerns listed on the draft Project Impact application form that was provided in the packet.

Motion was made by Dahl, second by Mikesell, to authorize the submission of the Project Impact Application by the City of Livingston.

All in favor. Motion passed.

Discussion was heard from the City Manager, City Attorney and City Commission concerning a proposed Ride Along Policy with Police Vehicles. Mr. Golnar summarized his conversation he had with the City's insurance company. City Attorney Becker has some concerns about the policy due to the potential liabilities that may be incurred.

Samples of other communities Ride Along Policies was provided for the Commission's information.

The Commission would like more information on how this policy is working in other communities and for the City Manager report back.

Chairman Doyle appointed City Commissioner's Fred Hall and Sheryl Dahl to the Dispatch Study Group and a citizen appointment to this group will be advertised in the newspaper for appointed office.

Motion was made by Mikesell, second by Spanring, to approve Resolution No. 2942, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH HUMANE SOCIETY FOR BOARDING IMPOUNDED ANIMALS.

An amendment to the motion was made by Dahl, second by Mikesell, to add to section 2, second paragraph, second sentence; "...for all charges and licensing fees if appropriate...." All in favor of the amendment. Amendment passed.

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

Motion was made by Spanring, second by Mikesell, to approve Resolution No. 2943, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR GRANTING TAX BENEFITS FOR REMODELING, RECONSTRUCTION OR EXPANSION OF COMMERCIAL BUILDINGS OR STRUCTURES.

City Attorney Becker noted the changes he had made since this was before the Commission at their last meeting.

City Manager Golnar asked that the Commission not take action on this at this meeting, but to hold it for two more weeks for fine tuning.

Motion was made by Hall, second by Dahl, to postpone Resolution No. 2943 until the next meeting. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2944, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,

MONTANA, AUTHORIZING RESERVE POLICE OFFICERS AND ADOPTING THE RESERVE POLICE OFFICER PROGRAM AND HANDBOOK.

Funding and soliciting additional officers was discussed and the Commission was informed that no funding was available for any additional officers at this time.

This will be added to the "future budget item" list.

All in favor. Motion passed.

Motion was made by Spanning, second by Hall, to approve Resolution No. 2945, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN RIGHT-OF-WAY AGREEMENT WITH STATE OF MONTANA DEPARTMENT OF TRANSPORTATION.

City Manager Golnar summarized the request of the Department of Transportation for easements for snow fences to be installed South of the Interstate near the old Zollman Field.

Two parcels of property are involved, with one being owned solely by the City and the other jointly owned with the County. The payment for the parcel jointly owned with the County, will be split \$250 each for a total of \$500 for the easement. The City will be compensated with \$1,300 for the larger easement which it owns.

Mr. Wayne Nelson of the Department of Transportation was present for any questions of the Commission.

Mr. Golnar stated that the money for these easements will be split between the Open Space Fund and Parks.

All in favor. Motion passed.

The following Department Head Monthly Reports and Minutes were provided for the Commissions information:

- Finance Monthly Report (Provided Separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, Sept 1998
- Building Department Monthly Report, Sept 1998
- Water and Sewer Monthly Report, Sept 1998
- Recreation Monthly Report, Sept 1998
- Code Enforcement Monthly Report, Sept 1998
- Police Chief Monthly Report, Sept 1998
- City Judge Monthly Report, Sept 1998
- Minutes of the Library Board, August 20, 1998
- Library Director Monthly Report, August 1998
- Fire Chief Monthly Report
- City Attorney Letter on Pending Litigation

Commissioner Fred Hall commented on the Fire/Ambulance increase in collections.

City Manager Golnar included a copy of the 124 permit application that was sent to the Department of Fish, Wildlife and Parks by Engineer Scott Nelson on behalf of the City

for the Mayor's Landing Bank Stabilization Plan. The City is waiting to see if this is an acceptable proposal. Mr. Golnar stated that the next question is how the City will pay for it and has asked Mr. Nelson to start developing costs on the whole project.

Bids are out for the City/County Building roof and HVAC System.

The RFP for the Transportation Study has been advertised.

City Manager Golnar reported that parking set backs were discussed at the Transportation Coordinating Committee meeting. Mr. Golnar will follow up on the intersection of Main Street and Park Street for the next meeting and felt that the property owners needed to be notified of the discussions prior to the Commission's final decisions.

Commission Mikesell was concerned about the liability the City has by not following the State Code (which adopts the Uniform Traffic Code) and is concerned about all of Park Street and any stop streets.

The City uses the Uniform Traffic Codes for its streets. Discussion was heard from Staff and the Commission.

Mr. Golnar would like to wait for the final conclusion of the traffic study to address intersections on a comprehensive basis.

City Manager Golnar informed the Commission that no change in City Code was necessary, merely a change in the term of the City Attorney's contract was necessary to go from a calendar year to a fiscal year.

City Attorney Becker stated that the contract needs to be for 2 years at a time and not any longer. Mr. Becker states that in January of 2000, a six month contract can be written and then, the Commission can go to a 2 year contract beginning in July of 2000.

The City Planner and City Attorney are working on proposed wording to the sign ordinance concerning the sandwich board signs to be forwarded to the Zoning Board for their consideration.

City Planner Woodhull questioned the Commission if they would like to review requests on an individual basis or if the ordinance should be written so as to provide a right to place sandwich boards at a place other than being advertised. The Commission is in favor of an individual special exception.

The following Calendar of Events and Activities was listed for the Commission's information:

Oct. 26 <sup>th</sup>	7:00 p.m. - Ken Weaver Workshop; Communications to the City Commission and Communications by the City Commission to the Public and Individual Staff
Oct 28 <sup>th</sup>	4:00 p.m. - Infrastructure Committee Meeting - Utilities Building
Nov 2 <sup>nd</sup>	7:30 p.m. - City Commission Meeting

Nov 3<sup>rd</sup> Election Day - City Offices Closed  
 Nov 4<sup>th</sup> 4:30 p.m. - City/County Meeting; County Commissioners Chambers  
 Nov 11<sup>th</sup> Veterans Day - City Offices Closed  
 Nov 16<sup>th</sup> 7:30 p.m. - City Commission Meeting

Commissioner Mikesell stated that he has a problem with there never being a quorum for the Board of Adjustment Committee.

It was noted that there is an ordinance if someone misses three meetings in a row that they can be replaced. The City Planner stated that no one person is missing every time.

City Manager Golnar will write a letter to the Board on the importance of a quorum.

Commissioner Dahl asked the City Manager or City Planner where the City is at with the City and the County Planning Boards being combined.

Mr. Golnar stated that it is still being worked on and the schedule for the switch is January 1, 1999.

Mr. Woodhull stated that there will be a few structure changes to the City/County Planning Board and they are getting ready to readvertise for the January appointments.

Mr. Woodhull answered for Commissioner Mikesell that the City/County Board would still represent people in the City and could therefore vote on in town issues.

Commissioner Dahl thanked the people responsible for putting on the Robert's Rules of Order workshop. Ms. Dahl would like a note of thanks sent to the County.

Commissioner Dahl commented that she has not seen a letter that she previously requested that the City received from the Corps of Engineers pertaining to liability factors of building a levee in the flood plain.

Mr. Golnar stated that he had talked with the Attorney, who indicated that it deserved some in depth research and that he (Attorney) needed to go to Helena to do that.

Commissioner Dahl reiterated her stand on the Transportation Study and believes that the time line is off. Ms. Dahl feels that July and August need to be included in the study and would like the study held off a couple of months to include the high traffic months.

Mr. Golnar stated that his understanding was that data covering more than the six months during which the study is being undertaken will be included in the study, but that he would communicate this concern to MDT and firms seeking to perform the study.

Commissioner Hall asked the Manager to draft a letter to the Board of Adjustments to explain that the City appreciates them, but in all fairness to fellow citizens, if they do not think they can do it, let the City know so that they can be replaced with somebody who can.

Commissioner Hall made the motion to go into Executive Session with the Manager, second by Dahl.

This was not an agendaed item.

Chairman Doyle stated that the Commission would go into Executive Session that the merits of individual privacy exceed the merits of public disclosure. The Commission went into closed session for personnel reasons at 9:50 p.m.

Chairman Doyle called the meeting back into session at 10:36 p.m.

No public comments were heard.

The City Commission had no complaints with City Attorney Bruce Becker on his evaluation.

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

The time was 10:40 p.m.

ATTEST:

APPROVED:

Julianne Brown  
RECORDING SECRETARY

Mike Doyle  
CHAIRMAN



Livingston  
City Commission Meeting  
November 2, 1998  
7:30 p.m.

The Livingston City Commission met in regular session Monday, November 2, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Bill Spanring, Sheryl Dahl, Fred Hall, Mike Doyle and Pat Mikesell.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve October 19, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$35,105.03.
- Special Events Policy - Torch Light Parade; November 27, 1998.
- Appoint Building Official Board of Appeals.

Commissioner Dahl mentioned that a condition on approving the Torch Light Parade was, that they include the City on their insurance waiver.

All in favor. Motion passed.

Chairman Doyle proclaimed support of Buddy Poppies on Saturday, November 7, 1998.

City Planner Jim Woodhull gave background information on a request from Mr. John Tecca, principal of J.A.T. Development, who wishes to create a one lot minor subdivision by leasing a portion of his 6.2 acre parcel which is located at the Yellowstone Gateway Mall. The purpose of the lease is to allow for the development of an auto lube facility on his property.

The City/County Planning Board recommends conditional approval of the minor subdivision.

Discussion was heard from the Commission, staff, Mr. Tecca and Jim Perryman.

Motion was made by Spanring, second by Dahl, to approve Tecca's minor subdivision subject to the following conditions:

1. A waiver of SID protest must be signed by the subdivider which guarantees the participation of the entire property in a future improvement district for street improvements. However, the Planning Board questions whether it would be appropriate for the City to pay for improvements to a state highway through an SID. If this is not feasible, the subdivider should be made aware;
2. The final plan to be filed with the Planning Department must show that the

leased lot meets the minimum lot size requirement for Highway Commercial Zoning Districts (6,000 square feet);

3. The final plan must meet all requirements of the City of Livingston landscaping ordinance; and,
4. The Planning Board specifically chose not to include the requirement suggested by the MDT that the applicant prepare a traffic study for this property. The Board does however wish to condition this approval by allowing no further subdivision of this property until after the City has completed its traffic study and any mitigation measures are addressed.

Commissioner Dahl suggested that the developer might be interested in contributing funds for a traffic study at the intersection. Mr. Tecca stated that as this was becoming a complicated process, he had other avenues he could take to accomplish this subdivision if necessary.

All in favor. Motion passed.

City Planner Woodhull gave background information on Montana Homes minor subdivision that was conditionally approved by the City Commission on October 7, 1996 (preliminary approval is valid for a 2 year period). The three (3) conditions were as follows:

1. A waiver of protest must be signed by the subdivider which guarantees the participation of all lots in the subdivision in a future improvement district for street maintenance;
2. A ten (10) foot utility easement along the boundary line between Lots 29A-1 and 29A-2 must be provided for water service to Lot 28A; and,
3. The developer will install standard curb, gutter and sidewalk on the 8<sup>th</sup> street side of this property.

Mr. Woodhull went on to say that somehow the applicants were under the impression that this subdivision had already been filed and they now find themselves in a situation where they thought that they had sold half of this property, but, because the subdivision was not filed, they actually sold the entire parcel.

Montana Homes now wishes to rectify this situation by getting the survey filed. To do this, they are asking that the commission grant an extension to the original conditional approval and that the Commission allow them to secure the cost of the required improvements by depositing the required funds in escrow where it would be available to the City should the developer fail to do the work.

Mr. Woodhull's recommendation is that the City allow this subdivision to be filed pursuant to this request.

Motion was made by Mikesell, second by Hall, to grant a 60 days extension to Montana Homes Minor Subdivision.

An amendment to the motion was made by Dahl, second by Mikesell, to allow the monies to be deposited into an escrow account to guarantee the required improvements. All in favor of the amendment. Amendment passed.

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

City Manager Golnar reviewed the bids received for the City/County Building roof replacement and heating, ventilating and air conditioning replacement with the City Commission.

Motion was made by Dahl, second by Spanring, to approve the Contractors which the County proposed, McLee's Inc. and Tri-County, Helena. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the City's replacement cost of the heating, ventilating and air conditioning in the amount of \$137,088.42. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the roof's replacement with the City's contribution totaling \$36,100. All in favor. Motion passed.

The City Manager followed up on the Park and Main Street parking set back discussed at the previous Commission meeting, by sending a letter to property owners in the vicinity of Main Street and Park Street intersection, the Chamber of Commerce and the Park County Economic Development Committee. Mr. Golnar has received no calls relating to this proposed action. Mr. Golnar did contact the Livingston Bar and Grill and they did not have a problem with this action. Mr. Golnar recommended that the City move forward to accomplish this set back.

Chairman Doyle asked if there was anyone present who would like to comment on this item.

Motion was made by Spanring, second by Dahl, to accept this proposal per City Manager's recommendation.

All in favor. Motion passed.

City Manager Golnar stated that a parking set back was before the Commission upon request of concerned citizens regarding traffic control for pedestrian crossing at H and Geyser Streets. A study has been accomplished at this intersection. Also, an accident occurred at this intersection last week.

Mr. Golnar sent letters to the property owners that would be affected with the parking set backs and to the individuals who called him concerned about the intersection. Mr. Golnar reported that he has not heard back from any of the individuals. One public comment was received from an individual, but it addresses pedestrian access on the East side of town to the schools, and would like to see a crosswalk on Butte Street across H Street and sidewalks or broader road shoulders down H Street to View Vista Drive and then West on View Vista Drive to ST Mary's and the Middle School.

Motion was made by Spannring, second by Dahl, to accept the proposal for parking set back extension for the crosswalks on H Street and Geysler Street.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to appoint Pam Tracy to the Dispatch Study Group. All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2946, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING APPLICATION PROCESS FOR POLICE IMPOUND AND CITY VEHICLE TOWING. City Manager Golnar reported that three of the four towing entities attended a meeting last week for review of the proposed application. Two of the towing company's are willing to enter into the agreement and have signed the contract. The other two towing company's are not interested in signing the contract.

An amendment to the motion was made by Hall, second by Dahl, to add an item #9, that it is the City's intent that impounds will be conducted between normal hours of service (8:00 a.m. to 5:00 p.m.) and tow truck operator's should understand that emergency's may require off hour calls.

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 Hall, to approve Resolution No. 2947, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ACCEPT LOCAL LAW ENFORCEMENT BLOCK GRANT IN THE AMOUNT OF \$3,130.00.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 2948, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH BERG EXCAVATION. City Manager Golnar noted that there were a couple typographical errors and add "per hour" after \$240.00 in the second *whereas*.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2949, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A CASH RESERVE/RESTRICTED ACCOUNTS POLICY AS PART OF ITS OVERALL FISCAL POLICY FOR FISCAL YEAR 98-99.

City Manager Golnar answered a question for Commissioner Dahl regarding City Land. Mr. Golnar stated that a line item in the Capital account will be established for a reserve account for City Land for 50% of the sales and the other 50% goes to the Park Improvement Trust Fund. There was no money to restrict this year.

Mr. Golnar pointed out that "#4" of the resolution was a change from last year and previous years, previous policies required a 5% minimum reserve to be maintained in the General Fund and this policy requires a 15% minimum reserve in that fund.

Mr. Golnar reported that it is the intent of staff, to take \$14,000 out of reserves and put it toward retiring the bond issue on the fire truck early.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 2950, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO GRANT AN EASEMENT TO THE MONTANA POWER COMPANY TO CONSTRUCT, MAINTAIN AND REPAIR ELECTRICAL EQUIPMENT. Discussion was heard regarding an easement policy for the City.

The majority of the Commission was in agreement to review easements on a case by case basis. The Commission was also in favor of having the Manager research what other communities have on easements.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2951, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH NTL ENGINEERING & GEOSCIENCE, INC. FOR SUB-GRADE INVESTIGATION.

City Manager Golnar reported that this sub-grade investigation was for two fiscal years of infrastructure work.

A typo was reported at the third *whereas*.

All in favor. Motion passed.

City Manager Golnar stated that he provided a report on the investigation of towing concerns that were voiced at the September 8<sup>th</sup> Commission meeting, to the Commission separately. He asked if the report was sufficient and if they desired any further investigation. No further investigation was requested by the Commission.

City Manager Golnar reported that he has contacted the Park County Economic Development Council, the Chamber of Commerce, the School District, County Appraiser's Office and the County Assessor's Office relating to the content and implementation of the Tax Benefits for Remodeling, Reconstruction or Expansion of Commercial Buildings or Structures Policy. Mr. Golnar will try to have a revised policy for the next Commission meeting.

Included in the packet was an October 23, 1998 letter from the Disaster and Emergency Services Division of the State of Montana, informing the City that while our Project Impact Application was not selected as Montana's nomination for the FY 1999 program, our community was submitted to FEMA Region VIII for recognition and consideration if additional funding becomes available.

The Mayor's Landing Bank Stabilization Permit was authorized by Fish, Wildlife and Parks for the West bank of the Yellowstone River downstream from the Mayor's Landing Boat Ramp. City Manager Golnar's recommendation is to bid the project.

Mr. Golnar stated that there are a number of different approaches from the traditional rip rapping which has been done in the past. Engineer Nelson has broken the project into sections for bidding and budget purposes.

The Commission was in favor of the Manager going out for bids. City Manager Golnar had sent a letter to the Board of Adjustment members on the importance of their meeting attendance.

City Manager Golnar reported that the Auditor's have completed their filed work and are working on completing their list of items they would like to see changed or items that have changed.

The Commission requested that the Auditor's come to a Commission meeting to answer any questions the Commission may have.

The Auditor's suggested that the City should not be doing the budget line item transfers more than at year end. Currently, they are being done quarterly. The Commission was in favor of the Finance Office doing the budget line item transfers at year end with this practice to be evaluated at the end of FY 98-99. Finance Officer Shirley Ewan stated she checks each departments percentage each month.

Police Chief Steve McCann had contacted a number of communities on what they do with a Ride Along Policy. Chief McCann explained what he had found out.

City Manager Golnar summarized that the Billings Ride Along Policy seems to be the best.

The Commission was in favor of the Manager bringing the policy back to the next meeting, with it limited to a case by case basis with the Police Chief choosing who can ride along.

A schedule was provided for the Commission's information on the restructuring of the City/County Planning Board. This will be reviewed at the joint City/County meeting.

City Manager Golnar reported that there was an overpayment to the Firefighter's of approximately \$3,500. This occurred between the implementation of the new contract on March 1, 1998 through August 15, 1998. Mr. Golnar stated that he intends to talk with the Fire Chief and Firefighter Union representatives to discuss how this can be repaid.

Commissioner Mikesell stated that he was blind sided on this issue, as he read it in the paper before knowing anything about it and would appreciate being kept apprised of controversial issues by the City Manager before they appear in the newspaper.

Eric Severson is the Police Department appointee for the Skate Park Study Group.

City Manager Golnar authorized the sale of Police vehicle #402 at a City auction that was held on October 31, 1998.

Dispatcher Jon Ellen Snyder has submitted a letter of resignation from the Police Department and Police Chief McCann was authorized to initiate a search for a new Relief Dispatcher.

City Manager Golnar noted the notice at the bottom of the agenda regarding public requests for record of the meeting proceedings has been revised.

A letter dated October 19, 1998 was received from Heritage Associates, owner of the Miles Building, informing the City of their commitment with the Department of Housing and Urban Development to restructure the existing mortgage on the A.W. Miles Building Apartments.

City Manager Golnar summarized the Montana League of Cities and Towns Convention that he recently attended.

Mr. Golnar and Chairman Doyle informed the Commission that the League of Cities and Towns is interested in supporting a "Main Street Program in Montana". Mr. Golnar suggests that the City support this program. The City Commission directed Mr. Golnar to seek assistance from the Nation Trust for Historic Preservation in further developing a Main Street Program.

The following calendar of events and activities were listed for the Commission's information:

Nov 2 <sup>nd</sup>	7:30 p.m. - City Commission Meeting
Nov 3 <sup>rd</sup>	Election Day - City Offices Closed
Nov 4 <sup>th</sup>	5:30 p.m. - E. D. Task Force; <i>Community Room</i>
Nov 5 <sup>th</sup>	7:00 p.m. - Community Oriented Policing; <i>City Court Room</i>
Nov 9 <sup>th</sup>	4:30 p.m. - City/County Meeting; <i>County Commissioners Chambers</i>
Nov 10 <sup>th</sup>	1:00 p.m. - Insurance Committee Meeting; <i>Utility Building</i>
Nov 10 <sup>th</sup>	6:30 p.m. - Skate Park Committee Meeting; <i>West Room</i>
Nov 11 <sup>th</sup>	Veterans Day - City Offices Closed
Nov 16 <sup>th</sup>	1:00 p.m. - Jobs & Income Worksession; <i>Helena</i>
Nov 16 <sup>th</sup>	7:30 p.m. - City Commission Meeting
Nov 17 <sup>th</sup>	Noon - Safety Committee; <i>West Room</i>
Nov 18 <sup>th</sup>	11:00 a.m. - Swimming Pool Meeting; <i>West Room</i>
Nov 18 <sup>th</sup>	4:30 p.m. - Reviews Corps of Engineers, 9/30/98 Letter Requesting Removal of Livingston Advanced Measure's Levee with State Flood Plain Coordinator's Office and FEMA Representative; <i>Community Room</i>

Commissioner Dahl questioned the parking in the public right of ways, specifically along Park Street near Jim Nelson's and Will Hall's. Police Chief McCann stated that the City has an agreement with the State Highway Department, since this is their property, that during the months of November through April, the parking in the public right of ways are enforced, due to the snow plows.

Commissioner Mikesell stated that there is no pedestrian walkway through this area as it blocked a lot of the time as there is no sidewalks along this area.

Ms. Dahl questioned City Planner Woodhull if a City ordinance had been created for ingress and egress on to the State Highway as had previously been discussed. Planner Woodhull stated that the access at J & L Country Store is controlled by the State Highway. Ms. Dahl would like to see a Site Plan Review Policy formulated in conjunction with the State Highway.

City Manager Golnar commented further about ingress and egress at J & L Country Store.

Mr. Golnar stated that sidewalks will be part of the Loves Lane Project.

Mr. Mikesell stated that in the area on East Park street previously discussed, businesses are using the throughways for pedestrians, to park vehicles. This is true with several businesses along Park Street.

Commissioner Dahl questioned sidewalks as part of private development. She would like to make part of the development review policy include sidewalks in private developments. City Manager Golnar stated that this needs further research. The Commission was in agreement.

Pat Wagman, President of the Local 630 Firefighters, gave the Commission a hand out on a typical time sheet for the Firemen. Mr. Wagman stated that the Firefighter's were unaware of overpayment in their checks. Mr. Wagman stated that most of the Firefighter's do not understand how they are being paid due to the last negotiations contract which was revised at management's request to include a 121 hour, 16 day period under the Fair Labor Standard's Act.

John Tecca addressed the Commission to report that he just had visited with Harry Hannon, Chairperson to the Planning Board, and Mr. Hannon stated that there were no conditions at the Planning Board meeting, they were discussed, but they were waived this one time. He said Mr. Hannon continued by saying the next time any subdivision review was required for this property, Mr. Tecca would have to go through the conditions. Mr. Tecca stated that he does not know where they (the conditions) came from.

City Planner Woodhull stated that the only item that was waived, was the condition from the Highway Department. Mr. Woodhull will verify this and provide the Commission with a copy of the minutes. Mr. Woodhull stated that page 33 in the packet, was an accurate representation of what the Planning Board sent forth.

The Commission told Mr. Tecca that they acted on the information that was provided to them and the recommendation of City staff, and they will stay with that recommendation unless they hear something different.

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

The time was 9:25 p.m.



ATTEST:

APPROVED:

Dulaine Brown  
RECORDING SECRETARY

Mike Dejeu  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION  
November 16, 1998  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 16, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring, Sheryl Dahl and Fred Hall.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve November 2, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims that listed for \$74,170.30.
- Authorize 15 Minute Parking Zone in Front of 406 S. Main Street.
- Approve Submission of Final Joint Written Comment to Department of Environmental Quality.
- Approve Request for Extension of Time for Tele Environmental Systems to Complete Testing for Sewer Main Rehabilitation - Uptown Area.
- Approve Extension of Deadline for Bainter Backhoe Service for Mayor's Landing Bank Stabilization Rip Rap.

City Manager Steve Golnar requested that the Incinerator bill (#961451, October fees, \$29,025.52) be pulled from the bills and claims.

An amendment to the motion was made by Hall, second by Spannring, to drop the bills and claims from the consent items. All in favor. Motion passed.

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

City Manager Golnar summarized his recommendation that the implementation of a \$35 per ton charge for City Incinerator disposal fees should have been implemented as of July 1, 1998. Mr. Golnar stated his concern with the bill the Commission was considering, was that it had a charge to the City of \$65.30 per ton. Mr. Golnar's suggestion was that the Commission approve paying \$35 per ton. Documentation was provided that showed the County budgeted \$35 per ton charge to the City for the current fiscal year.

Mr. Golnar drafted a letter which he proposed to send to the County upon City Commission approval later during the meeting.

The Commission was not in favor of leaving the bill unpaid for the month and wanted to meet with the County over this issue.

Finance Officer Shirley Ewan stated that the City has paid the County to date, 84% of what the County, according to its Solid Waste Budget, is expecting to receive by fiscal year end.

Motion was made by Hall, second by Dahl, to pay the bills and claims as written. All in favor. Motion passed.

Chairman Doyle proclaimed December 1, 1998 as World AID's Day in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance request from Mark and Jessie Sumner at 421 S. G Street. The Sumner's wish to place a manufactured home on this parcel which would be fifteen (15) feet from the front property line. Code requires a twenty-five (25) foot front setback. They are requesting this variance so they can continue to live in the existing house that is currently on the property and then tear it down after the new one is up.

The City Board of Adjustment recommended that the City Commission approve this request.

Motion was made by Dahl, second by Mikesell, to approve the finding of fact done by the staff of the Sumner variance request. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the Sumner variance request. All in favor. Motion passed.

City Manager Golnar summarized a request from John Tecca to reconsider his one lot subdivision that the Commission took action on at their last meeting.

Attorney Bob Jovick addressed the Commission representing John Tecca, owner of the lot and Jim Perryman, lessee. Mr. Jovick asked specifically that the Commission reconsider the original conditional approval as it related to the requirement for Mr. Tecca to sign a waiver of SID protest. Mr. Jovick made the argument that the property in question was not adjacent to any public streets for which an SID could be used.

Motion was made by Hall, second by Mikesell, to reconsider the Tecca Subdivision request and conditional approval. All in favor. Motion passed.

Motion was made by Hall, second by Spanring, to grant John Tecca conditional approval on his subdivision using conditions 2 and 3 as stated by the Planning staff. The two conditions from October 28, 1998 memo to the City Manager are as follows:

- 2) The final plan to be filed with the Planning Department must show that the leased lot meets the minimum lot size requirement for Highway Commercial zoning districts (6,000 square feet); and,
- 3) The final plan must meet all requirements of the City of Livingston landscaping ordinance.

All in favor. Motion passed.

City Manager Golnar reported in follow up from the last City/County meeting, that building permits for the City/County Building HVAC and roof replacement were required in the bid specifications for these projects and no action to waive these permit fees was necessary. No Commission action was taken.

City Manager Golnar reported in follow up from the last City/County meeting, the implementation of the reduced Incinerator fee as a result of the re-financing of the Incinerator that took place in April through June of 1998.

Mr. Golnar stated that he summarized information and provided the Commission with a draft letter separately relating to this issue.

Mr. Golnar's recommendation is that a letter be sent to the County Commission requesting that a rate of \$35 per ton be implemented effective 7/1/98. The City has paid \$65.30 per ton through September, with October's monthly bill currently pending.

Motion was made by Hall, second by Spannring, to direct the City Manager to draft a letter to the County Commissioners, stating that it is our belief based on their own budget figures, that \$35 a ton was the anticipated disposal cost for the entire fiscal year and that their billing seems to be in variance with that and asking them to please explain.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2943, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ITS POLICY FOR GRANTING TAX BENEFITS FOR REMODELING, RECONSTRUCTION OR EXPANSION OF COMMERCIAL BUILDINGS OR STRUCTURES at the October 19, 1998 meeting. Motion was made by Hall, second by Dahl, to postpone this resolution until the next meeting. All members were in favor of postponing.

Motion was made by Dahl, second by Mikesell, to bring Resolution No. 2943 back onto the table for discussion. All in favor. Motion passed.

City Manager Golnar summarized all parties he has reviewed this draft resolution with. Mr. Golnar mentioned that changes were made to exhibit "A" since this resolution was previously proposed. The changes are as follows:

- A parenthetical note at the end of section 2 on tax benefits.
- Changes in the percentage of tax reductions allowed through the first four years.
- The addition of section five "Eligibility Criteria" which is consistent with the policy for tax incentives for new and expanding industry.
- The elimination of the application fee due to concerns on the implementation of CI-75.

An amendment to the original motion was made by Mikesell, second by Dahl, to approve the above changes to the resolution. 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 Mikesell, to approve Resolution No. 2952, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INSURANCE CONSULTANT CONTRACT. City Manager Golnar summarized the contract.

All in favor. Motion passed.

The following department head monthly reports and minutes were provided for the Commission's information:

- Finance Monthly Report, Oct 1998(Provided Separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, Oct 1998
- Building Department Monthly Report, Oct 1998
- Water and Sewer Monthly Report, Oct 1998
- Recreation Monthly Report, Oct 1998
- Code Enforcement Monthly Report, Oct 1998
- Police Chief Monthly Report, Oct 1998
- City Judge Monthly Report, Oct 1998
- Minutes of the Library Board, Sept 24, 1998
- Fire Chief Monthly Report, Oct 1998
- Library Director Monthly Report, Sept 1998

Chairman Doyle questioned Police Chief McCann on the amount of parking tickets issued this month. Chief McCann stated that the number was slightly higher this month.

City Manager Golnar reported on the implications of CI-75 "People's Right to Vote on Taxes-Fairness in Tax Elections - Enforcement" and that it is going to take awhile to understand the full implications of this Constitutional Initiative. City Attorney Becker will be attending a meeting with other City Attorney's on Tuesday to consider the issues brought up by this initiative. Personal liability of elected and appointed officials is one of the questions that has been asked.

Mr. Becker noted to the Commission that some City's have passed or are considering to pass, an ordinance which provides immunization, defenses and indemnification of public officials and public employees for liability resulting from an alleged violation of CI-75.

City Manager Golnar provided the Commission a brief summary of Y2K compliance, identifying concerns and suggestions for creation of a plan. Mr. Golnar stated that a community meeting is being organized at the Community Room on November 21<sup>st</sup> at

2:00 p.m. and he will be working with the Department Heads to develop a plan for the City's Year 2000 computer issues and response.

City Manager Golnar stated that the Dispatch Committee has been appointed and he is in the process of scheduling the first meeting.

The heating, ventilating and air conditioning system agreement, and the amended impound towing services application was included in the packet for the Commission's information.

City Manager Golnar reported that SID requests have been received for an SID on North N Street. An additional SID request was received last year for North 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, Summit and Montana Streets. Mr. Golnar is seeking to see if the parties requesting an SID last year, are still interested to combine the SID's together.

Mr. Golnar stated that another complicating factor is, how does CI-75 relate to the SID creation and will work with the Public Services Department to determine what the plans and priorities are for use of roto millings to surface current gravel streets in Livingston.

City Manager Golnar attended Officer Ted Quillen's graduation from the Basic Law Enforcement Training at the Law Enforcement Academy along with Police Chief McCann.

City Manager Golnar commented on the Updated Employment Population and Student Enrollments for the East Boulder Hard Rock Mining Impact Plan Amendment that was received. The comment period ends January 4, 1999. Mr. Golnar will be following up on this.

Bids have been sent out for the Mayor's Landing Bank Stabilization Project and are due November 24<sup>th</sup>. Once the City receives the final determination from the County Flood Plain Coordinator's Office, a recommendation will come before the Commission.

The following calendar of events and activities was listed for the Commission's information:

Nov 16 <sup>th</sup>	7:30 p.m. - City Commission Meeting
Nov 17 <sup>th</sup>	Noon - Research Implication of CI-75, City Attorney; <i>Bozeman</i>
Nov 18 <sup>th</sup>	4:30 p.m. - Review Corps of Engineers, 9/30/98 Letter Requesting Removal of Livingston Advanced Measure's Levee with State Flood Plain Coordinator's Office, FEMA Representative, Corps of Engineers Representative; <i>Community Room</i>
Nov 18 <sup>th</sup>	7:00 p.m. - Park County Public Hearing on Flood Plain Mitigation Plan
Nov 19 <sup>th</sup>	11:00 a.m. - Swimming Pool; <i>Community Room</i>

Nov 19<sup>th</sup> 12:30 p.m. - Stillwater Mine Tour (Leave Livingston for Big Timber Rendezvous) estimated return 6:00 p.m.  
 Nov 21<sup>st</sup> 2:00 p.m. - Y2K; *Community Room*  
 Nov 26<sup>th</sup> Thanksgiving Day; *City Offices Closed*  
 Nov 30<sup>th</sup> 7:00 p.m. - Main Street Program - Barbara Pahl, National Trust for Historic Preservation; *Depot Center (dinner before at 5:30 p.m., location to be announced, and walking tour on Tuesday 12/1/98)*  
 Dec 2<sup>nd</sup> 4:30 p.m. - City/County Meeting; *Commissioner's Chamber*

At this time the Commission watched a video on Y2K.

Commissioner Dahl commented to the City Manager, that funding of Y2K should be included in the budget goals for the next fiscal year.

Commissioner Dahl commented that she still feels it is a good idea to have a tape recording of the City/County meetings.

Chairman Doyle commented on the Skate Park Committee meeting that was recently held. Mr. Doyle stated that an architect is going to help the committee look at designs at no charge.

Mr. Doyle stated the old East Side School was mentioned as a possible site for the Skate Park along with several others areas they are looking at.

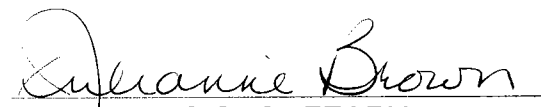
Mr. Doyle would like to have as an agenda item at the next meeting, a discussion of dedicating the old East Side School to the youth of Livingston opposed to its present use. The Commission agreed to discuss this item.

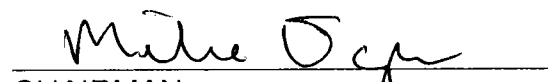
Motion was made by Dahl, second by Mikesell, to adjourn this meeting there being no further business. Motion passed.

The time was 8:47 p.m.

ATTEST:

APPROVED:

  
 RECORDING SECRETARY

  
 CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
December 7, 1998  
7:30 p.m.

The Livingston City Commission met on December 7, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commission members present were Mike Doyle, Pat Mikesell, Bill Spannring and Fred Hall. Commissioner Sheryl Dahl arrived at 7:37 p.m.

Motion was made by Hall, second by Mikesell, to approve the following consent items:

- Approve November 16, 1998 Regular City Commission Meeting Minutes.
- Accept Bills and Claims.
- Request to Use Civic Center for Christmas Dinner on December 24<sup>th</sup> (setup) and December 25<sup>th</sup> for Dinner.
- Suspension of 2 Hour Parking in the Downtown Area During the Christmas Season, December 14, 1998 through January 2, 1999.
- Recommendation to Approve Bid for Backhoe.

Four in favor. (Dahl absent) Motion passed.

Bids were received for the Mayor's Landing Bank Stabilization work. They are as follows:

Mike Adkins Backhoe - \$35,548.56  
John S. Michael, III Corp. - \$37,192.00  
Archie Mann Excavating - \$38,146.00  
O'Hara Excavating - \$47,325.77  
Bainter Backhoe - \$38,935.67

City Manager Golnar stated that there is a resolution later on in meeting with Engineer Scott Nelson on design and inspection of this project. Mr. Golnar stated that approximately \$10,000 was initially budgeted to study and review the project.

Motion was made by Hall, second by Mikesell, to provisionally approve the low bid from Mike Adkin's Backhoe, \$35,548.56 and authorize the City Manager to negotiate a contract with Mr. Adkins.

Four in favor. (Dahl absent). Motion passed.



City Manager Golnar summarized the grant proposal for the GIS start up and asked the Commission whether they would like to proceed to pursue the grant or not. Mr. Golnar stated that there will be additional information developed if the project is pursued and he would forward it to the Commission as it becomes available.

Mr. Golnar believes that the merits of a GIS system are many and recommended that if the City Commission decided to move forward in pursuing this grant, that the effort of further defining the start up and operational support needs to be accelerated so that there is a better understanding about this process prior to both the City and the County making a decision about the acceptance of the grant.

The deadline for the grant application is February 1, 1998. The County is waiting for the City's comment before they make a determination on whether to pursue or not. Mr. Golnar stated that a City/County cooperative effort would be beneficial to the community.

Commissioner Hall was in favor of applying for the grant, but would like to see a plan between the two entities on staffing of the GIS the first year.

Commissioner Mikesell agreed with Mr. Hall but stated his concern on staffing extended beyond one year. Mr. Mikesell stated that he would not like to go forward if the Commission was not going to approve the grant later on, as was the case with the COPS Grant considered by a former Commission.

Commissioner Dahl stated that she would like to see a more realistic budget including the staffing of a full time person. Ms. Dahl would also like to know what kind of split there would be between the City and County on data gathering and operations.

Mr. Golnar guessed that it may take two to three months to find out if the City and County are awarded the grant.

Motion was made by Dahl, second by Spanring, to move forward with the grant proposal and also to incorporate the County into the proposal for the GIS system.

All in favor. Motion passed.

City Manager Golnar reviewed a draft letter in the packet concerning a proposed SID on North N Street and impacts of CI-75. Mr. Golnar stated that the Attorney's opinion and League of Cities and Towns opinion at this point, is that the wording in CI-75 prevents the City from moving forward with the statutory method of creating special improvement districts as it ties the decision for increasing a tax or a fee to a property owner to "a vote of the electors".

Mr. Golnar will send the draft letter to the developer and no Commission action was taken.

Chairman Doyle summarized his request to add to the agenda for discussion, the donation of the East Side School to the youth of Livingston. Mr. Doyle stated that the Skate Park Group has been looking for a location for the proposed skate park and the East Side School was identified.

City Manager Golnar suggested that an arrangement be made with Park County Economic Development Council to house their economic development office and manage rental of space in the East Side School as a business incubator, but does not know if they would be interested in this type of an effort.

Commissioner Spanring questioned if the City did donate the school for a youth center, where would the money come from to renovate the building to make it a functioning facility. Mr. Doyle stated he does not have answers at this time.

Commissioner Hall stated the ability to rehabilitate the school is beyond the City's capabilities right now. Mr. Hall does support the idea of the skate park and would like to move ahead with that first within the City's public park structure framework. Mr. Hall stated that a facility for the youth is an admirable goal and could be something that the community could strive for.

Mr. Hall suggested to the City Manager for another use of the school, would be for a professional management service making an evaluation and taking the responsibility for the school.

Commissioner Dahl suggested that the skate park be intertwined with the Recreation Department.

Discussion was heard about a longer lease period than the current 3 to 5 years being offered for the East Side School and the City Commission indicated flexibility on this point.

No City Commission action was taken.

Discussion was heard relating to options within the Attorney General's Opinion on holding dual positions.

City Manager Golnar has talked with Alec Hanson of the League of Cities and Towns on the impact of dual office holding and the Attorney General's Opinion. Mr. Hanson will be writing a letter to the Attorney General for more specific answers on the opinion.

Mr. Golnar stated that he recommends that the City pursue option 2 of the Attorney General's 4 options, "Bring a declaratory judgment action seeking to set aside the attorney general's opinion; (a declaratory judgment action is a special proceeding used to resolve uncertainties in respect to rights, status and other legal relationships which may be affected by a law contract, or other legal instrument. MCA 27-8-101)" at the second meeting in December.

This item will be before the City Commission at their next meeting.

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 2953, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR LOVE'S LANE WATER AND SEWER FACILITY ADJUSTMENT OR RELOCATION.

Commissioner Dahl questioned who figured out the cost estimates. City Manager Golnar responded that the State did and that he felt this was a reasonable price.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2954, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH

MONTANA DEPARTMENT OF TRANSPORTATION FOR WATER VALVE  
ADJUSTMENT OR RELOCATION. All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2955, A  
RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,  
MONTANA, ADOPTING POLICE RIDE ALONG POLICY.

Commissioner Hall commented on item 2F of the policy.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve Resolution No. 2956, A  
RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,  
MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES  
AGREEMENT WITH SCOTT NELSON ENGINEERING FOR ENGINEERING  
SERVICES FOR BIDDING ASSISTANCE AND CONSTRUCTION INSPECTION FOR  
BANK STABILIZATION AT MAYOR'S LANDING.

City Manager Golnar answered a question for Commissioner Hall regarding  
funds that were budgeted for. \$10,000 was set aside in the Commission budget. Mr.  
Golnar will bring back a budget amendment along with the proposal for financing this  
project.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2957, A  
RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,  
MONTANA, ADOPTING HEALTH AND SAFETY POLICY.

City Manager Golnar commented on the background of this policy.

Chairman Doyle questioned if a sign off form should be at the end of this policy.  
Mr. Golnar confirmed that a form will be included for review with the employee.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve first reading of Ordinance  
No. 1881, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF  
LIVINGSTON, MONTANA, THAT THE LIVINGSTON MUNICIPAL CODE BE  
AMENDED BY ADDING A NEW CHAPTER PROVIDING FOR THE IMMUNIZATION,  
DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICIALS AND PUBLIC  
EMPLOYEES FROM LIABILITY FOR AN ALLEGED VIOLATION OF  
CONSTITUTIONAL INITIATIVE 75.

City Attorney Bruce Becker explained the theory of this ordinance, and that it  
does not say that public officials are not liable, it says that if a public official does  
something wrong, the City will indemnify the official. Mr. Becker stated that the  
Commission may want to look for additional insurance. Further discussion was heard  
concerning the possible jeopardy the Commission may put themselves into.

City Manager Golnar stated that MMIA will defend employees and officials up to  
the point where a court determines that they broke the law.

All in favor. Motion passed.

City Manager Golnar reported that the current Municipal Code updates were in and the Commission needs to bring their books to the City Office for updating.

Police Chief Steve McCann has received his Administrative Certification. This is the highest certification given by POST. Also receiving their Intermediate Certifications were Officer's Glenn Farrell and Eric Severson. City Manager Golnar and Commission congratulated them for work well done.

City Manager Golnar reported that he has been contacted by two contractors since the letting of the bids for the Interstate work, asking if they can use a portion of the Zollman Field area for staging and access for the Interstate Project during its construction.

Mr. Golnar informed the individuals that contacted him, that he would like an agreement to cover the City from any environmental liability. The County Commissioners will also have to sign an agreement and have indicated that they would work with the contractors.

Mr. Golnar answered reclamation questions for the Commission and will determine what a reasonable fee would be.

Commission Hall suggested that the City not charge a fee, but a trade of a large pile of gravel for the City Street Department. The Commissioners were in favor of a trade.

Mr. Golnar stated he would come back to the Commission at the next meeting with an agreement.

City Manager Golnar informed the Commission that the Soroptimist Club sent him a letter stating that their \$1,000 pledge for the construction of the Bike Path was donated to the Public Library. Mr. Golnar will write them a letter asking for the same amount to be pledged again to the Bike Path.

Mr. Golnar stated that he anticipates a copy of the lease and Exhibit from Montana Rail Link for the Bike Path. Mr. Golnar will bring the lease before the Commission at the next meeting.

Included in the packet, was a November 19, 1998 letter from the Park County Environmental Council commenting on the BN Clean Up.

The Livingston Police Department Employees Association Union acknowledged the City Manager's attendance at Officer Quillen's graduation.

City Manager Golnar stated that the City and the County are forming a committee concerning the implementation of the \$35 per ton incinerator fee. Representatives for the City include, Steve Golnar, Pat Mikesell and Ken Kastelitz.

Included in the packet was a summary of the Dispatch Committee. Fred Hall was appointed the Chairman and the committee will meet again on December 14<sup>th</sup> at 6:30 p.m. in the Community Room.

City Attorney Bruce Becker will be attending another Attorney's Forum concerning CI 75. Included in the packet was a summary risk management bulletin from MMIA relating their position on the duty to defend and indemnify individuals acting within the scope of their duties.

City Manager Golnar reported on the Levee/Flood Plain follow up and calls and contacts that needed to be made.

City Manager Golnar reported on the Stillwater Mine Tour follow up and how Livingston could accommodate additional employees employed at the mine. Mr. Golnar stated that mine anticipates employing up to 600 miners when in full operation.

City Manager Golnar attended a November 21<sup>st</sup> community meeting relating to the Y2K. Mr. Golnar summarized the some of the questions that were brought up and has asked all Department Heads to look at their departments for the year 2000 bug.

Commission Hall asked that the Public Utilities be directed to start planning a backup to the City's water system. Supt. of Public Utilities Clint Tinsley explained what type of back ups he now has available and options that he can use.

City Manager Golnar summarized the Main Street Program presentation that was held at the Depot Center on November 30<sup>th</sup> and the walking tour that has held on December 1<sup>st</sup>. Mr. Golnar will obtain the name of the Highway Commissioner for Commissioner Dahl.

City Manager Golnar included a November 30, 1998 letter to Gayla Nicholson regarding East Park Street Trail Development.

The following calendar of Activities and Events was included for the Commission's information:

Dec 7	1:00 p.m. - Insurance Committee; <i>Utilities Building</i>
Dec 7	7:30 p.m. - City Commission Meeting
Dec 8	5:30 p.m. - Business After Hours; <i>Buck Stop</i>
Dec 8	3:30 p.m. - Historic Design Review Committee - Main Street visit update (Golnar)
Dec 9	7:00 p.m. - DARE Focus Group; <i>Community Room</i>
Dec 14	6:30 p.m. - Dispatch Study Group; <i>Community Room</i>
Dec 15	11:00 p.m. - Swimming Pool Group Meeting; <i>West Room</i>
Dec 16	Noon-3:00 p.m. - Census Video Training Workshop (Golnar/Woodhull)
Dec 21	7:30 p.m. - City Commission Meeting (Audit Review Tent.)
Dec 22	4:00 p.m. - Infrastructure Committee; <i>Utilities Building</i>
Dec 24	City Offices Closed
Dec 25	City Offices Closed
Jan 1	City Offices Closed

Jan 4	7:30 p.m. - City Commission Meeting
Jan 6	4:30 p.m. - City/County Meeting
Jan 11	6:30 p.m. - Dispatch Study Group; <i>Community Room</i>
Jan 12	10:00 a.m. - Transportation Coordinating Committee

City Manager Golnar stated that the audit review will come before the Commission at one of the meetings in January. Finance Officer Shirley Ewan answered for Commission Dahl that the audit needs to be approved before June 30<sup>th</sup>.

City Manager Golnar reported that the County Detention Committee has met for the first time. Other representatives are being requested from the County. Bob Jovick has indicated an interest on serving on this committee. His appointment for City Representative to this committee will be on the next Commission agenda.

City Manager Golnar has authorized Supt. Tinsley to extend Industrial Towel's discharge permit for one year. A November 30, 1998 memo to Mr. Tinsley was included in the packet.

Commissioner Dahl questioned the discharge permit fee along with CI-75. Mr. Golnar stated that this is a temporary permit.

Commissioner Spanning questioned why the streets have not been plowed. Mr. Golnar stated that they crews were focusing on garbage routes, ambulance routes and bus routes as a first priority. Crews were out in the evenings and early Saturday morning. Commissioner Dahl stated that perhaps special efforts for snow removal should have been made for the Class C basketball tournament which was in town when the snow storm hit, and suggested that there are occasions that arise where the plowing schedule may need to be redefined.

Commissioner Mikesell questioned a letter the Commission received from Mr. Hoffee and asked why staff had not taken care of the problem. Mr. Golnar stated that the property owner has been notified and told what needs to be done. Mr. Golnar stated that it is being worked on and that the letter was received by the Commissioners and City Manager at the same time.

Mr. Mikesell also questioned the Dore situation and nothing has been done. Mr. Golnar responded that these were legal issues. Attorney Becker explained the status of the property in question through the Hoffee letter. Attorney Becker stated that with the Dore Property, the Court remedy is there, but it takes time.

Commissioner Mikesell questioned if ISTE A money could be used for a skate park. City Manager Golnar will look into it.

Commissioner Dahl questioned action item in the packet approving bids for Bank Stabilization work. Ms. Dahl asked if the rip rap off of the levee will be recycled as a decision needs to be made with the levee. City Manager Golnar responded with the direction he was given by the Commission, was to negotiate an arrangement with the

contractor and bring back a resolution with a contract to the next meeting. Mr. Golnar stated that the recycling of the rip rap could be looked into.

Mr. Golnar stated that the project at Mayor's Landing will be completed before the levee work.

Ms. Dahl asked when the levee was going to be discussed to make a decision on whether it is going to be taken down or not. Mr. Golnar stated that he needs to define where to go from here. The State and the Corps of Engineers want to see the levee brought down to 1997 pre advanced measures levee elevations. They would allow rip rap up to that level. Mr. Golnar stated that he needs to develop the financing for this project and consultants will need to be bid out to get the project initiated.

Commission Hall stated it would be more appropriate to schedule a worksession relatively soon to discuss the levee at length, before it is brought before the Commission.

Ms. Dahl stated that since the taxpayers have paid for a great portion of the levee, she would like to see coordination directing the rip rap, dirt, fill and anything else, to go out to the Mayor's Landing Bank Stabilization project if appropriate.

Commissioner Dahl suggested that the list of property leases maintained by the City be reviewed for January.

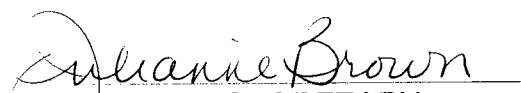
Chairman Doyle asked the Commission if they would like a worksession for the levee. The Commission was in agreement.

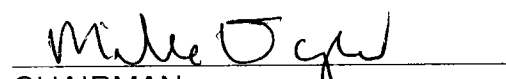
Motion was made by Dahl, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 8:56 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
December 21, 1998  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 21, 1998 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Sheryl Dahl, Fred Hall, Mike Doyle, Pat Mikesell and Bill Spanring.

Motion was made by Dahl, second by Mikesell, to approve the following consent items:

- Approve November 16, 1998 Regular City Commission Meeting Minutes
- Accept Bills and Claims
- Authorize Preparation of Revolving Loan Agreement with Pennzoil Quicklube for \$70,000.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Gloria and Bryan Pollock, 711 E. Gallatin Street. The Pollock's are requesting a variance from the rear setback requirement for RII(MH) zoning districts to build a garage on their rear property line. Code requires a five (5) foot side and rear setback.

Mr. Pollock addressed the Commission and confirmed the background information.

The City Board of Adjustment recommends approval of this variance.

Motion was made by Dahl, second by Hall, to approve the finding of fact from the Board of Adjustment. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve the Pollock variance. All in favor. Motion passed.

City Planner Woodhull gave background information on a variance request from Mr. Robert Jenkins, corner of South 8<sup>th</sup> Street and Cambridge Avenue. Mr. Jenkins is requesting a variance from the Minimum lot size requirement for RII zoning districts to build a two (2) unit townhouse on this parcel which is 6,545 square feet in area. Code requires 7,000 square feet of lot space for two units. Mr. Woodhull noted that a structure is already under construction on this property and it has been permitted as a single-family unit.

The City Board of Adjustment recommends disapproval of this variance.

Motion was made by Dahl, second by Mikesell, to approve staff's finding of fact. All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to deny the variance request. All in favor. Motion passed.



A public hearing was held on second reading of Ordinance No. 1881, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, THAT THE LIVINGSTON MUNICIPAL CODE BE AMENDED BY ADDING A NEW CHAPTER PROVIDING FOR THE IMMUNIZATION, DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICIALS AND PUBLIC EMPLOYEES FROM LIABILITY FOR AN ALLEGED VIOLATION OF CONSTITUTIONAL INITIATIVE 75. No public comments were heard.

Commissioner Hall asked for further clarification from the City Attorney.

All in favor. Motion passed.

Jo Sykes addressed the City Commission with her concerns regarding past vs. present policies of the Angel Line Van and requested that the Commission appoint a committee to review the policies.

Barb Vandervort, Chairman of the Angel Line Van responded to Ms. Sykes's concerns.

Commissioner Hall stated that the lack of flexibility to the scheduling concerns him.

City Manager Steve Golnar summarized a request from Detective Eric Severson requesting that the City Commission consider paying for a claim that was denied by the City's liability insurance company for approximately \$100 due to a tire slashing of his personal vehicle.

Mr. Golnar's concern on paying this claim, is the precedent implications of making a determination like this without direct evidence that the cause of the vandalism was because Mr. Severson is a Police Officer.

Commission discussion was heard concerning vandalism to their property.

Commissioner Hall questioned the quality of insurance coverage the City does have.

No action was taken.

City Manager Golnar requested approval of a letter requesting expansion of CTEP Bike/Pedestrian Project to include additional irrigation, raised planters and path lighting.

Mr. Golnar's recommendation is that the City Commission, at least go with the engineer's estimate for construction of \$170,015, along with the engineering costs of \$44,600 and MRL related work of \$7,500 plus the component which would allow for irrigation of water to the median of the clover leaf and the raised median landscape totaling \$29,837.00.

Mr. Golnar suggested that if the Commission approved the lighting option, that the City pay the \$81,900 outright, rather than Montana Power Company amortizing the cost over the life of the lights and beyond. It will be less expensive for the City to pay a monthly/yearly fee than the amortization fee to MPC.

Commissioner Mikesell questioned that the additions Mr. Golnar stated above, were not for the bike path, but more for beautification. Mr. Golnar explained the reason he was proposing to add these enhancements was that they were really combined with the Interstate 90 and the Loves Lane Projects, which the Department of Transportation

is in the process of bidding out for construction this year. Mr. Mikesell stated that the City has been working on the bike path for many years, and now there is being more added to it and he is against it. Mr. Mikesell stated that he would like to get the bike path done so that people can use it.

Chairman Doyle stated that he enjoys the concept that Mr. Golnar and the Department of Transportation have put together with the bike path.

Commissioner Hall questioned breaking the bid process down into two parts. Mr. Hall also commented how much has already been paid into engineering fees and would like to see no additional charges on the additional items.

Commissioner Dahl questioned the additional costs associated with CI-75 and long term maintenance costs.

Motion was made by Dahl, second by Mikesell, that the Bike Path construction budget reflect an increase to \$222,115 and that the City does not want to pay more for engineering fees. The vote was four in favor, Hall not voting. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve a claim to Montana Industrial Boiler Combustion in the amount of \$4,800. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2958, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING FUNERAL LEAVE AND AMENDING THE CITY'S POLICY AND PROCEDURES MANUAL FOR ITS EMPLOYEES. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2959, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO LEASE WITH MONTANA RAIL LINK FOR LEASE OF LAND FOR PEDESTRIAN AND BICYCLE PATH.

City Manager Golnar summarized the resolution.

All in favor. Motion passed.

Resolution No. 2960, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO A CONTRACT WITH MIKE ADKINS FOR MAYOR'S LANDING BANK STABILIZATION PROJECT. An addendum to the construction contract was provided in the Commission Addendum. Mr. Golnar noted a change in the addendum.

City Manager Golnar summarized the use of the levee for this project and the contractor identified a savings of \$4,200 if the City was able to use the rock from the levee and transport it to Mayor's Landing. Representatives from FEMA would be willing to entertain funding the cost of transporting the rock from the levee to Mayor's Landing site. There would be a total savings of \$7,800 if the City was to pursue this. No rock would be taken below the level that the levee was prior to the construction of the advanced measures levee in 1997.

Commissioner Mikesell questioned the City Manager, that if the Commission authorizes this agreement, would that mean the Commission made the decision to take

down the levee and if so, was there supposed to be a meeting with the School District before a decision was made. Mr. Golnar confirmed Mr. Mikesell's questions.

Commissioner Hall was in agreement with Mr. Mikesell that all parties need to meet before a decision is made. Mr. Hall stated that the City Commission has committed to the School District, that they would be involved in any decision making of the levee. Mr. Hall stated that he is not comfortable with a piece meal approach until all interested parties have discussed all options.

Commissioner Dahl does not feel this resolution should be passed until the City has the money.

Commission was in agreement to wait on this item until a meeting with all interested parties can be scheduled. Mr. Golnar will find out from Mr. Adkins what time frame he would need to accomplish this project and report back to the Commission.

No action was taken.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2961, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CONCURRING IN THE LIMITED ACCESS PLAN AS PROPOSED BY THE MONTANA DEPARTMENT OF TRANSPORTATION FOR LOVES LANE AREA.

City Manager Golnar explained this resolution.

All in favor. Motion passed.

The following Department Head monthly reports and other minutes were listed for the Commission's information:

- Finance Monthly Report, November 1998 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, Nov. 1998
- Livingston Fire Department Monthly Report, November 1998
- Police Department Monthly Report, November 1998
- City Judge Monthly Report, November 1998
- Water and Sewer Metered Revenues Monthly Report, November 1998
- Code Enforcement Monthly Report, November 1998
- Recreation Monthly Report, November 1998
- Building Inspector Monthly Report, November 1998
- Library Minutes, October 15, 1998
- Library Director's Monthly Report, October 1998
- Sister City Committee Minutes, November 18, 1998
- Sister City annual Report, 1997-1998

Commissioner Hall commented on the Livingston Fire/Ambulance Accounts Receivable monthly report for November 1998, that the collections are excellent. Finance Officer Shirley Ewan stated that it fluctuates and is getting better, but there are still large amounts being written off.

The Commission as a whole, commented this is a good job. Ms. Ewan stated that the Ambulance is holding its own.

City Manager Golnar reported that 7 proposals for the Transportation Plan Consultant were received. Mr. Golnar hopes to have a recommendation for one of the meetings in January.

City Manager Golnar reminded the Commission that they will need to select a Chairman for the City Commission for 1999 at the first meeting in January.

The League of Cities and Towns has forwarded a letter to the Attorney General's office regarding dual office holding. No word has been received at this time.

Mr. Golnar suggests that the City withhold direction to the City Attorney to seek a declaratory judgment on our particular circumstances until the Attorney General's office has more time to consider this issue.

The City will be receiving a request from Heckman Specialties to receive an additional \$40,000 in low interest loan assistance at the next Commission meeting.

The annual Financial Report was has been submitted to the State and the audit review is expected in January.

A user survey has been distributed by the Livingston Dispatch Group. The next meeting will be Monday, January 11<sup>th</sup> at 6:30 p.m. The State 911 Coordinator and Dan Greene with US West will be attending this meeting regarding E 911 services.

A site plan for the Post Office Remodel Parking Lot was received and can be reviewed at the City Manager's office. A letter was sent to the architect identifying concern about handicapped parking and compliance with ADA.

The City Manager has met with the Firefighter's Union regarding overpayment and they have requested some time to verify the figures which management presented to them, prior to moving forward.

The City Manager has provided a Geographic Information System grant proposal to the County Commission for their signature so that it can be submitted to ERSI. To date, the Manager has not received the proposal back.

Commissioner Pat Mikesell, Supt. of Public Services Ken Kastelitz and City Manager Golnar met with County representatives to discuss the incinerator fee issue. The County and the Refuse Board are in the process of meeting and evaluating the City's concerns along with their own and developing a proposal to the City.

Word was received that the use of Zollman Field will not be needed by the Interstate contractor.

City Manager Golnar has appointed Police Chief Steve McCann as chairman of the City's efforts for insuring Y2K compliance.

The City Manager will be revising the bid specifications for the East Side School to identify a longer time frame for the contract term.

Included in the packet was a certificate of achievement for Fire Chief Robert Schmidt from the National Fire Academy.

Building Inspector Taylor Pierson will be working to obtain Mechanical Inspector Certification.

Commissioner Dahl noted good job on the training and certs that staff received.

The following calendar of events and activities were listed for the Commission's information:

Dec 24	City Offices Closed
Dec 25	City Offices Closed
Jan 1	City Offices Closed
Jan 4	7:30 p.m. - City Commission Meeting
Jan 5	3:00 - 5:00 p.m. - Detention Committee Meeting; <i>Commissioner's Chamber</i>
Jan 5	Noon - Refuse Meeting; <i>Commissioner's Chamber</i>
Jan 6	4:30 p.m. - City/County Meeting; <i>Commissioner's Chamber</i>
Jan 11	6:30 p.m. - Dispatch Study Group; <i>Community Room</i>
Jan 12	10:00 a.m. - Transportation Coordinating Committee; <i>West Room</i>
Jan 13	10:00 a.m. - 1:00 p.m. - Stillwater Mine Co. Tour
Jan 19(Tues.)	7:30 p.m. - City Commission Meeting; <i>Community Room</i>
Jan 25	6:30 p.m. - Dispatch Study Group; <i>Community Room</i>
Jan 27	4:00 p.m. - Infrastructure Committee Meeting; <i>Utility Building</i>
Feb 22-25	MT Association of Counties and DES Conference;
Feb 23-24	Governor's Conference on Emergency Management; <i>Cavahaugh's</i>

Commissioner Spanring stated he would be gone from January 4<sup>th</sup> through January 15<sup>th</sup>.

Commissioner Hall commented that the Dispatch Study Group met last Monday and that a great deal has been learned and the group is also finding that the scope may be limited. Mr. Hall stated the possibility of the focus expanding and that some recommendations may be ready by the goal of April 1<sup>st</sup>, but does not know if an overall comprehensive plan or view will be completed by that time.

Mr. Hall feels that there will be something to contribute by the time the study is final.

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

The time was 9:09 p.m.

ATTEST:

APPROVED:

Julianne Brown  
RECORDING SECRETARY

Mike Oye  
CHAIRMAN