

LIVINGSTON  
CITY COMMISSION MEETING  
January 4, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, January 4, 1999 in the Community Room at the City/County Building. Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell and Sheryl Dahl. Commissioner Bill Spanring was absent.

Motion was made by Mikesell, second by Hall, to retain the current Chairperson, Mike Doyle as the Chairperson for 1999. All in favor. Motion passed.

Motion was made by Hall, second by Mikesell, to retain the current Vice Chairperson, Sheryl Dahl as Vice Chairperson for 1999. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve the following consent items appending the revised attached minutes:

- December 21, 1998 Regular City Commission Meeting Minutes.
- Bills and Claims in the amount of \$59,000.16.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2962, 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 first reading of Ordinance No. 1882, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING A CRIMINAL OFFENSE WHICH PROHIBITS NUDE DANCING IN ANY ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES, PROHIBITING THE PROPRIETOR OR ANY PERSON IN CHARGE OF AN ESTABLISHMENT TO KNOWINGLY PERMIT NUDE DANCING, AND PROHIBITING PHYSICAL CONTACT BETWEEN DANCERS AND OTHERS, AND REPEALING ORDINANCE NO. 877 AS CODIFIED BY SECTION 10-12 OF THE LIVINGSTON MUNICIPAL CODE.

Chairperson Doyle stated that Lisa Davis, owner of the Rainbow Bar asked to be on the agenda and he would allow her six minutes to address the Commission.

Ms. Davis and Martin Burrigh addressed the Commission with their concerns with the ordinance and asked that it not be addressed until they could present it to their attorney and the Tavern Association.

Tony Ballew addressed the Commission opposing nude dancing in the City of Livingston. Lee Parriott read a written statement from her and her husband, Joe opposing nude dancing in Livingston.

Discussion was heard from Staff and the Commission on the contents of the ordinance, and why it was on the agenda.

Commissioner Dahl requested that the City Attorney obtain sample ordinances from other cities on the same subject.

After extensive discussion, Commissioner Hall called for questioned. Commissioner's Dahl, Mikesell and Doyle voice vote on question was opposed.

Motion was made by Dahl, second Mikesell, to postpone Ordinance No. 1882 until the time that Mr. Becker can hear the Commission's comments, work through it and talk to other communities in our State that have dealt with this situation.

Discussion was heard whether this was worksession material. A comment was heard from Captain Jerry Lord regarding the handling of the incoming calls on the status of this item. City Attorney Becker answered for Commission Dahl, that he does not see the City Officers using Ordinance 877 for enforcement again.

The vote to postpone was Dahl and Mikesell in favor, Hall and Doyle opposed. Motion to postpone died.

Commissioner Hall called for question again.

The vote on first reading of Ordinance No. 1882 was four opposed. Motion died.

Discussion was heard regarding a memo from the City Attorney regarding the Incinerator charges.

Commissioner Dahl was curious on the breakdown of the GOB bond and if the taxpayers were paying over and above the \$65.31. Commissioner Mikesell asked the City Manager to figure out a breakdown before tomorrow's noon Refuse meeting.

City Manager Golnar recommended that the Commission take no action on the claim to the Park County Refuse District for Incinerator charges for the month of November in the amount of \$34,676.54, as there is a scheduled meeting being held Tuesday, January 5<sup>th</sup> concerning Incinerator fees. Mr. Golnar would like this to come before the Commission at their next meeting.

No action was taken.

Motion was made by Dahl, second by Mikesell, to approve a \$42,000 payment to Heckman Specialties. All in favor. Motion passed.

City Manager Golnar reported that the response in the packet from the Attorney General's office to Alec Hanson of the Montana League of Cities and Towns is what the City has been waiting for regarding dual office holding.

City Attorney Becker stated that he has talked with the City Attorney from Whitehall and he is filing an action directly into the Supreme Court asking to exercise original jurisdiction over the Attorney General. The Whitehall City Attorney will forward a copy of the pleadings that are filed. Attorney Becker stated that, with the City Commission's permission, he would file a "Friend of the Court" brief which means we have a similar situation and will support the action that is pending before the Supreme

Court. Attorney Becker feels that Whitehall may have filed their action in the wrong Court, that it probably should go to the District Court in Helena and then be appealed to the Supreme Court. Mr. Becker's understanding is that the Attorney General is going to raise this issue. Attorney Becker requested permission from the Commission to file the brief.

No action was taken at this time, as the Commission would like to wait and see what the response is on Whitehall's filing.

The following upcoming calendar of events and activities was listed for the Commission's information:

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 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 13	4:30 p.m. - City/County Meeting; <i>Commissioner's Chamber</i>
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 Hall directed a question to the City Manager and Finance Officer, that the owner of the Rainbow Bar stated the dancers were not her employees but contractors, and that the dancers boss should be tracked down for a business license if they are doing business in the city.

Commissioner Hall proposed a worksession be scheduled to discuss the levee sometime after the 19<sup>th</sup> of January and that notification be sent to the School Board, John Long, the Country Club and St. Mary's to formally request that they attend the meeting. As a courtesy, also the County Commissioners.

City Manager Golnar mentioned that there were a number of groups to add to the list, including Mr. Hruza and the Park Clinic.

Commissioner Hall passed out pictures he took at Will Hall's business on Park Street. Commissioner Hall stated that there are unregistered junk cars parked on public property that should be in Will Hall's impound lot. Mr. Hall stated that the cars parked along the road are a mess and a hazard and wondered why nothing is being done as he has complained about this for months.

The Commissioner's were all in agreement with Mr. Hall. Commissioner Dahl stated that the City needs to talk with the Montana Department of Transportation as this is a State right of way.

City Manager Golnar stated that seven citations were issued last week. Commissioner Mikesell stated that he would like to be kept up to date when action has been taken, as when he hears nothing, he feels nothing is being done.

Commissioner Mikesell questioned the City Manager on Jacobsen's letter regarding a water valve. City Manager Golnar responded that he reviewed the letter with Mr. Tinsley earlier in the day and will be following up. Mr. Mikesell requested that the Commission be informed of the outcome.

Chairman Doyle stated that he liked Ordinance No. 1882 and was willing to vote for it tonight. Mr. Doyle felt that Mr. Becker made the ordinance as restrictive as possible for the betterment of the community as a whole. The intent was to keep this type of business limited and agreed with it and feels that the majority of the community feels that it should be restricted.

No public comments were heard.


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

The time was 8:35 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN

Livingston  
City Commission Meeting  
January 19, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, January 19, 1999 at 7:30 p.m. in the Community Room at the City/County Building. City 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 January 4, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$36,771.80.
- Approve Appointments to the City-County Planning Board.

Commissioner Dahl questioned City Planner Jim Woodhull if Lee Phillips was able to maintain both positions as she is also the Chairperson to the Board of Adjustments. Mr. Woodhull affirmed that she could.

All in favor. Motion passed.

A public hearing was held on the Text Amendment to Section 30.50.G.7.4a., dealing with sandwich board signs. City Planner Woodhull addressed the Commission stating that the Planning staff has been directed to explore the possibility of allowing sandwich board signs to be placed in front of buildings other than those housing the business being advertised. Currently the City Codes requires that these signs be placed only in front of those businesses being advertised. The amendment would add to the existing sign code the following language:

The City Commission upon request from a property owner in front of who's property a sign is to be located may, where deemed in the public interest allow a sandwich board sign to be placed other than in front of the business being advertised. The following guidelines will be used by the City Commission in ruling such requests:

- The businesses being advertised must be within the same block as the proposed sign location; and,
- The applicant must, to the City Commission's satisfaction, show that no other viable options exist.

The City's Zoning Commission is recommending disapproval of this text amendment.

Public comments in favor of allowing this text amendment included Matt Smith, Bob Wiltshire, Patty Kiderlen and Laurie Bishop.

Motion was made by Dahl, second by Mikesell, to approve the Text Amendment to Section 30.50.G.7.4a., dealing with the sandwich board signs.

Commissioner Dahl would like to see administrative rules for the Commission to follow on future requests drafted into the ordinance revising the sign code. Commission discussion was heard.

An amendment to the motion was made by Dahl, second by Spannring, to amend Text Amendment Section 30 - 5, by including a set of guidelines which can be checked off when the Commission is approving any sandwich board signs in front of other properties. All in favor of the amendment. Amendment passed.

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

Chairman Doyle proclaimed the 100<sup>th</sup> anniversary of the Veterans of Foreign Wars of the United States. A presentation and signing of the proclamation was held with the City Commission and VFW prior to the Commission meeting.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2964, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING PARTICIPATION IN CTEP PROGRAM FFY 1998 AND FFY 1999, AUTHORIZING CHAIRMAN OF THE COMMISSION TO SIGN THE CTEP PARTICIPATION FORM AND DESIGNATING CITY MANAGER AS THE LOCAL PROGRAM ADMINISTRATOR.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution NO. 2965, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH PARK COUNTY, MONTANA TO PROVIDE D.A.R.E. INSTRUCTION.

All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to approve Resolution No. 2966, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN APPLICATION FOR LOCAL GOVERNMENT START-UP GRANT TO PURCHASE SOFTWARE FOR GIS SYSTEM.

City Manager Golnar gave additional information on this item. Mr. Golnar stated that the County Commissioner's at the joint City/County meeting last week informed the City that they would not be participating in the GIS Grant Application. Mr. Golnar questioned the Commission if they were interested in pursuing the grant application on their own.

Commissioner Mikesell agreed with the County Commissioners feelings on not pursuing this grant. He cited the revenue limitations of CI-75 and with the City taking this GIS program on their own, he asked where the financial burden is going to fall on the City down the road and how it was going to be paid for. Mr. Mikesell felt that the City would be able to do this later on for less money, and was against the resolution.

More discussion was heard from the Commission and staff.

The vote was four in favor. Mikesell opposed. Motion passed.

City Manager Golnar stated that the addendum revising incinerator fees to the 1996 Solid Waste agreement with Park County and the Refuse District should not to be

passed in resolution form. Mr. Golnar stated that the County Attorney recommends that this agreement should not be in the addendum format to the settlement agreement that was entered into by the City of Livingston and Park County in 1996. It should be its own agreement. He suggested that the Commission conceptually approve the settlement concept and ask the County to set a public hearing for the fee revision with City and County Attorneys developing a new incinerator fee agreement. Mr. Golnar also stated that the City would not be purchasing the new garbage truck that is in the current budget in order to keep expenditures within revenues because the incinerator fee agreement would implement the \$35 per ton fee on September 1, 1998 rather than July 1, 1998 resulting in increased costs of \$28,000.

Motion was made by Dahl, second by Mikesell, to conceptually approve the settlement with the County and Refuse District on incinerator fees included on page 51 in the packet, items 1-4.

The new agreement would be reviewed annually. The Commission commented that the fee would need to be jointly reviewed by the City and County and established early during budgeting sessions.

Commissioner Hall stated that at least one City Commission attendee should be at all Refuse meetings.

Mr. Golnar pointed out that the County has noted that the Refuse District stated that "the City is welcome to joint the Refuse District to avoid this type of problem in the future". Mr. Golnar recommended that he and the City Attorney could look into the settlement agreement from 1996 to see if it is possible for the City to enter into the Refuse District or if it should remain as a contractual user. Commissioner Mikesell stated that he would welcome that information and would like to see it in one of the budget worksessions.

All in favor. Motion passed.

City Manager Golnar reported that he sent the letter that the Commission requested that he forward to the Bike Path Engineer relating to preliminary engineering of additional options at no additional fee. The engineering company has indicated that the amount of preliminary engineering spent on the Bike Path has exceeded the initial budget for that section of the budget by \$11,861.32. TD&H Engineering does not want to perform any additional services and preliminary engineering design for additions to the project above and beyond what is already there. TD&H Engineering identified that the scope of the work, at the current level of \$222,015, which was approved by the Commission at the last meeting, should be pursued in order to get the Bike Path project bid in a timely manner for construction this summer. The engineer suggested that they could probably develop plans for the waterline extension and raised median planters, but that these additions should probably be handled as change orders. Mr. Golnar's recommendation was to bid the project scope as currently defined and to seek change orders for the additional two items.

Mr. Golnar stated that he is reviewing the engineering budget with T,D&H Engineering at this time and the Department of Transportation and has provided the Commission with a summary including: the project engineering budget; actual paid to date; actual billed to date; and, the engineer's proposed revised distribution of fees and

costs associated with this project. Mr. Golnar stated that we won't know what the actual construction costs for this project is until the project has been bid out.

Motion was made by Dahl, second by Mikesell, to authorize the City Manager to go forward with the bidding for the Bike/Pedestrian Path Project on the construction services.

Commissioner Dahl questioned if the City Manager has looked into the Transportation Committee meetings mention of the possibility of punching a hole underneath the Interstate instead of having to dig it up. Mr. Golnar stated that he has talked with Clint Tinsley who would like a conduit to be run underneath the highway to run water and electricity to the other side for a drip irrigation system. Mr. Golnar continued that, he had not followed up on the particular suggestion of boring a waterline under the pavement and seeking the assistance of Montana Power to install power, but he would.

Commissioner Mikesell stated that he would like to go forward with just the Bike Path proposal, but would like the burying of the power to be done when the State is tearing up the highway and this brought before the Commission at that time.

Commissioner Dahl questioned the use of roto millings on the Bike Path. Mr. Golnar will look into this along with the construction bids.

The vote was all in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, that the City Manager develop a contract with Marvin and Associates for the Livingston Area Transportation Study and to also include the months of July and August as a change of time line and have the City Attorney draw up a Resolution stating those facts.

All in favor. Motion passed.

City Manager Golnar summarized the proposed agenda for the levee workshop that will be held on January 26<sup>th</sup> at 6:30 p.m. Mr. Golnar suggested adding another section to the agenda which would be "levee issues and options" and discuss the impact of the levee on the 100 year flood plain.

Commissioners wished to add Tom Lane and the Park County Commissioners to the invitee list. Also requested, was that the City Manager check for the raw data on flood plain elevations with and without the levee and the elevations of critical facilities before the workshop.

Included in the packet was a response from Mr. George Denton of Denton Enterprises requesting clarification of the "intent of CI-75 regarding SID's". Mr. Golnar stated that the City would probably have to take the question of creating a special improvement district for paving streets and the subdivision to the voters. Mr. Denton is requesting that the City Attorney question the intent of CI-75 regarding SID's to the Attorney General's office.

Attorney Becker stated that he has been meeting with six other City Attorney's in our area and the consensus is that an SID has to go to the voters, absent some sort of clarification by the Court.



Mr. Becker stated that at this time, there are two lawsuits pending on the validity of the CI-75. One being filed in District Court and the other being filed in Federal Court. Mr. Becker stated that it will be months before the outcome will be known.

Commissioner Hall suggested that the Commission direct the City Manager to respond back to Mr. Denton with the information that was just discussed. The Commission indicated general agreement.

Mr. Becker stated that based upon an opinion out of Missoula County, if a SID was unanimously desired by property owners, it was possible to move forward without an election. Mr. Denton's SID proposal was not unanimous.

Mr. Becker responded to Ms. Dahl that the lawsuit filed in District Court had the Chamber of Commerce's, League of Cities and Towns, MACO, and the School Districts involved in opposing CI-75.

City Manager Golnar gave the Commission background information on a request from the Livingston Roping Club which is looking to renew its lease of City property for another five years. Stan Broughton, Secretary/Treasurer of the Livingston Roping Club was present.

Motion was made by Dahl, second by Mikesell, to approve the lease agreement with the Roping Club at \$100 per year for the next five years with a Resolution to be drafted for the next meeting.

Commissioner Spanning questioned if the insurance amount was adequate. City Attorney Becker stated that the insurance should be in the amount of \$1.5 million per occurrence. This will be reflected in the Resolution.

All in favor. Motion passed.

Chairman Doyle called for a 3 minute recess at 8:45 p.m. Mr. Doyle brought the meeting back into open session at 8:50 p.m.

The following Department Head monthly reports and other minutes were provided for the Commission's information:

- Finance Monthly Report, Dec 1998 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, Dec 1998
- Police Department Monthly Report, Dec 1998
- City Judge Monthly Report, Dec 1998
- Water and Sewer Metered Revenues Monthly Report, Dec 1998
- Code Enforcement Monthly Report, Dec 1998
- Recreation Monthly Report, Dec 1998
- Building Inspector Monthly Report, Dec 1998
- Library Minutes, November 1998
- Library Director's Monthly Report, November 1998
- No Fire Department Monthly Report was received for December 1998

City Manager Golnar reported that the Financial Report was not completed and would be placed in the Commission boxes as soon as possible.

City Manager comment items that were listed in the packet for the Commissioner's information included:

- Dual Office Holding.
- CI-75.
- Review of the Annual Financial Report - Mr. Golnar stated that this has been tentatively scheduled for February 1<sup>st</sup>. All Commissioner's have received copies of the audit and are encouraged to identify questions and forward them to either the City Manager or the Finance Officer.
- Dispatch Study Group Items.
- Junk Cars on East Park Street - Mr. Golnar stated that he needed to contact the Highway Patrol on the status of this issue.
- City Goals Status and City Manager's Six Month Review.
- City/County Meeting Follow Up - Mr. Golnar stated that the City/County Building has a three thousand gallon diesel storage tank and Commissioner Gutebier has checked with the heating, ventilating and air conditioning contractor who identified that there will be a generator back up for the jail, dispatch, sheriff and police departments. The contractor did not say whether the fire or administrative offices were actually backed up by the generators at this time.
- DARE Evaluation.
- Flood Plain Mitigation County Proposed Plan.
- Y2K Preparedness Continues.
- City Court Records Storage Requirements.
- Main Street Trip Report.
- Recreation Related Items.
  - Resignation from Oktoberfest Committee.
  - Planning Meeting for Little Big Horn Indian Memorial - Mr. Golnar stated that he has been requested to formally invite Mr. Chancy Whitright III to the Livingston City Commission meeting on February 1<sup>st</sup>.
  - Request for Use of Tennis Courts by School for Tournament Authorized.
  - Tree trimming Accomplished Behind City/County Building.
  - Baseball Field Irrigation Request.

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

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 26	11:15 a.m. - 2:00 p.m. - CI-75 Study Group with Attorney; <i>Bozeman</i>
Jan 27	3:00 p.m. - 6:00 p.m. - Flood Plain Mitigation Plan Open House; <i>Community Room</i>
Jan 27	4:00 p.m. - Infrastructure Committee Meeting; <i>Utility Building</i>
Feb 1	7:30 p.m. - City Commission Meeting; <i>Community Room</i>
Feb 4	1:00 p.m. - 5:00 p.m. - Rural Development Town Meeting
Feb 23-24	Governor's Conference on Emergency Management; <i>Cavahaugh's</i>

Commissioner Dahl requested a policy that in the future all controversial issues be put on hold until all five members of the Commission are present. Commissioners were in support of this, with Commissioner Mikesell stating that on occasion items needed to be done in a timely manner.

Commissioner Dahl questioned the City Manager on the status of the Hoffee/Bastian building code enforcement incident. Ms. Dahl would like the City Manager to work with staff on how to prevent these type of situations in the future and would like to hear back sooner in the future.

Commissioner Dahl thanked Julianne Brown, Ken Kastelitz and other city staff for working on the Oktoberfest over the past years and will be interested in hearing what happens with plans for the future and who takes it over.

Commissioner Dahl asked if any other member of the Commission could make the Angel Line Meeting tomorrow as she could not make it. Commissioner Spanning volunteered for Ms. Dahl.

Commissioner Dahl commented that she voted against the ordinance on nude dancing two weeks ago. The reason she voted against it, was that she felt that there was not enough home work done on the ordinance and she had concerns of it being constitutionally sound and enforceable.

Motion was made by Dahl, second by Spanning, to have the City Attorney and the City Manager collectively put their heads together with the Commissioners and formulate an ordinance that is constitutionally sound and enforceable in our community.

Some Commission discussion was heard concerning the previous ordinance that was written.

Ms. Dahl identified additional guidelines that she would like included in the ordinance if constitutionally sound and enforceable, and requested a worksession with the City Manager, City Attorney, and the Commission, and to have the City Attorney looking at what other communities have. The guidelines she wanted added included the following:

- mandatory bouncers at every dance;
- touching issue;
- gender issue;
- the number of feet from schools, churches and residents;
- the costumes that are being worn;
- age, under 21, how that is handled. City Attorney Becker stated that will be a problem.

More Commission comments were heard.

The vote was four in favor. Hall opposed. Motion passed.

Commissioner Hall commented that with all the time and effort he has put into the City and that fact that he was being villianized for standing up for people to enjoy their First Amendment rights made him really sorry that his position was misunderstood.

Commissioner Mikesell recognized Ken and Julie for the Oktoberfest. Mr. Mikesell felt strongly that the City should keep its name associated with this event.

Chairman Doyle commented that one should have a feel for the community regardless of how many people call or stop you on the street and think that the people of Livingston would like to have an ordinance on the books that addresses the nude dancing situation. Mr. Doyle stated that the City can look at what other cities and towns have done concerning this, write an ordinance and move on.

Chairman Doyle asked for public comments. All comments pertained to the nude dancing issue.

Comments opposed to addressing the issue were heard from: Larkin Vanalt and Steve Newman.

John Haston suggested putting the issue to a vote to the community.

Comments in favor of addressing the issue were heard from: Sally Bandstra, Tim Stevens, Mick Carter, Daniel Miller, Tom Melin, Amy Titgemier, Dave Carter, Lee Parriott, Keith Wicks, Mike Egeland, Brenda Darby, Tawa Jeffery, Michael Polson, Joe Magalsky, Elaine Magalsky, Lynea Antonucci, Jim Blatter, Patsy Carter, Marsha Beers, Mike Small, Bev Wicks, Laurie Bishop, Harry Nedens and Carol Simms.

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

The time was 10:08 p.m.

ATTEST:

APPROVED:

*Dulaine Brown*  
RECORDING SECRETARY

*Mike Doyle*  
CHAIRMAN OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
February 1, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, February 1, 1999 at 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spannring, Sheryl Dahl and Mike Doyle. Commissioner Fred Hall was absent.

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

- January 19, 1999 regular City Commission Meeting
- Bills and claims in the amount of \$84,880.80

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2968, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MOUNTECH SOFTWARE FOR CDBG LOAN.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2970, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH MIKE ADKINS FOR MAYOR'S LANDING BANK STABILIZATION.

City Manager clarified the status of this project and that it was previously discussed to possibly use some of the rip rap from the levee and put at the Mayor's Landing area. Mr. Golnar stated that his proposal was to go with the scope of the project as originally anticipated in the contract.

Questions were heard from Commissioner Dahl regarding the material use of the levee for the Mayor's Landing project.

Mr. Golnar was to contact Mike Adkins to find out the time frame he would need to finish the Mayor's Landing project. Discussion was heard from the Commission about leaving the rip rap at the levee versus moving the rip rap to Mayor's Landing.

Motion was made by Dahl, second by Spannring, to postpone Resolution No. 2970 until the next meeting. All in favor to postpone. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2971, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ADDENDUM TO EXTENDING LEASE WITH THE PARK COUNTY ROPING CLUB. All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve first reading of Ordinance No. 1883, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THAT PORTION OF SIGN CODE REGULATING SANDWICH BOARD SIGNS AS ENACTED BY ORDINANCE NO. 1873 AND AS CODIFIED IN SECTION 30.50.G.7.4.a OF THE LIVINGSTON MUNICIPAL CODE. City Attorney Becker clarified a question for Commissioner Dahl.

All in favor. Motion passed.

More discussion was heard concerning the levee removal plan concept. City Manager Golnar provided a summary in the Commission packet for discussion of maintaining or removing the levee.

The Commission discussed what they would like to see happen to the levee. A worksession was scheduled for February 2, 1999 at 4:30 p.m. at the City/County Building. Engineer Scott Nelson will be asked to attend. Commissioner Dahl requested that the City Manager write a press release for the public to why the levee needs to be removed. The rest of the Commission was in agreement.

City Manager Golnar stated that he has talked with Jim Anderson of the Department of Disaster and Emergency Services who has recommended that the City not pursue an extension of the FEMA funding until the City is a couple of weeks from the March 30<sup>th</sup> deadline. Mr. Golnar suggested asking for the extension on March 1<sup>st</sup> if the City does not have a complete plan to remove the levee in place by that time.

Mr. Golnar will start working with Mr. Anderson on the extension. Ms. Dahl questioned, what if the City goes over the \$80,000 that was allowed? Mr. Golnar replied that the project cost was an estimate, that the actual reimbursement would be based on actual net costs. If there is any revenue made from the sale of levee material, it would be taken off of what the City would be reimbursed.

Motion was made by Dahl, second by Mikesell, to direct the City Manager to write the Congressional Delegation and the Corps of Engineers to request Corps of Engineers 205 Study funding in the Livingston flood plain.

Ms. Dahl also suggested that St. Mary's and the School District be notified and asked to write letters to the Congressional Delegation.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to authorize the City Manager to negotiate a contract and have the City Attorney develop a resolution authorizing the City Manager to enter into a contract with Morrison Maierle for professional services for a Solid Waste Study.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve a claim to Mountech in the amount of \$45,000. This is for an economic development loan.

All in favor. Motion passed.

City Manager Golnar provided for the Commission's information, testimony before the House Tax Committee relating to the bed tax. Mr. Golnar stated that Chairman Doyle and himself presented the testimony in Helena.

Commissioner Dahl requested that the City, and ask the County, if they would sign a letter together in agreement to the bed tax and fax it to Helena as it will be voted on this week.

City Manager Golnar questioned the Commissioner's if they had any specific questions relating to the audit. To save time and expense, the Auditor's have indicated that if the Commission does have questions, they would provide written response to any questions. The Commissioner's stated they did not have any questions and did not feel a personal visit was necessary.

The final audit will be agendaed for the next meeting.

The County Commissioners will hold a public hearing on Incinerator Fees on February 8, 1999 at 10:00 a.m. This is to meet a requirement of the Solid Waste Agreement with the County. The proposal is to reduce the fees effective September 1, 1998 to \$35 per ton and to make adjustments to the fund.

City Manager Golnar provided a summary of information regarding CI-75. Mr. Golnar pointed out that the City Attorney is of the opinion that does not need to go out for a vote on the Street Lighting and the Street Improvement Districts as long as the City does not raise the amount collected.

City Attorney commented on CI-75. Mr. Becker commented on a question from Ms. Dahl regarding ambulance transfers. Mr. Becker stated that he does not feel that the City would need to go to the voters.

Mr. Becker stated that the City could use any election date authorized by law. Mr. Becker felt that September would be the correct primary date.

Ms. Dahl mention that she would like the City to start the budgeting process early.

Other City Manager comments included in the packet for the Commissioner's information were:

- Building Inspector attends Mechanical Inspection Certification
- City Employee Health and Safety Policy familiarization forms distributed
- Yellowstone River Task Force annual report completed
- Provided Detention Committee updates - Mr. Golnar reported that Bob Jovick, the City's representative to the committee, would like to encourage the City Commission to visit with him with their comments relating to the Detention Facility.
- Street Sweeper Schedule
- Invitation to Chauncy Whitright to future Commission Meeting.

The following Calendar of Events and Activities were provided for the Commission's information:

- Feb 1 7:30 p.m. - City Commission Meeting; *Community Room*
- Feb 3 4:30 p.m. - Levee Worksession;
- Feb 4 1:00 p.m. - 5:00 p.m. - Rural Development Town Meeting;  
*Yellowstone Motor Inn* - See enclosed tentative agenda for this meeting.
- Feb 8 10:00 a.m. - Public Hearing Incinerator Fee; *County Commission*
- Feb 8 6:30 p.m. - Dispatch Committee Meeting; *Community Room*
- Feb 9 4:30 p.m. - City/County Meeting;
- Feb 10 4:00 p.m. - Infrastructure Committee Meeting; *Utility Building*
- Feb 10 7:00 p.m. - Worksession on Nude Dancing Ordinance - City  
Manager provided Commission with a packet of information
- Feb 11&12 "Waste Not Montana Integrated Solid Waste Management; *Butte*  
- I provide this for information and plan not to attend. Is anybody else interested?
- Feb 15 President's Day - City Offices Closed
- Feb 16(Tues) 7:30 p.m. - City Commission Meeting
- Feb 18 6:30 p.m. - US West/E911 Equipment Review Meeting - See enclosed proposed agenda.
- Feb 23-24 Governor's Conference on Emergency Management; *Cavanaugh's*  
(Schmidt/Golnar)

Commissioner Spannring stated that he is bothered by the levee flood process of taking out the protection or leaving the protection, and feels that it was a waste of money either leaving or taking the levee out. Mr. Spannring feels that the State is sacrificing the City and that there are two bridges on each end of town that causes problems and that the State does not want to talk about. Mr. Spannring would like to see these problems addressed some how. Mr. Spannring suggested a strong written letter to the State.

Mr. Golnar stated that could be incorporated in a request for a Section 205 Study and copy the State.

Mr. Spannring feels that it is important to document what the City identifies as problems.

Commissioner Mikesell agreed with Mr. Spannring. Mr. Mikesell stated that he was on the Council when the levee was voted on and still feels that it was a good deal. Mr. Mikesell stated that a lot of taxpayer dollars were spent on the levee and that the State is forcing the City to be a guinea pig. Mr. Mikesell was in favor of sending a real strong letter on the 205 Study and to the legislators.

Mr. Mikesell hopes that another levee is never built as it is a waste of tax payers dollars.

Commissioner Dahl stated that she will be attending the Elected Officials conference in Billings in April.

Chairman Doyle also confirmed that he would be attending.



Chairman Doyle thanked the City Manager and City Attorney for putting together the information for the worksession on the ordinance concerning nude dancing.

Sally Banstra thanked the City Commission for taking the levee so seriously and that the Commission is making some good decisions and she appreciates that as a taxpayer.

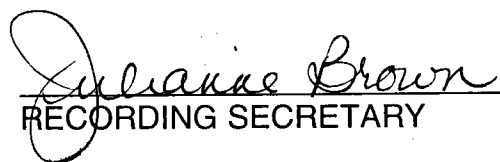
The following citizens addressed the City Commission with their comments regarding the nude dancing issue: Harry Nedens, Pastor Dan Miller, Ton Ballew, Sandy Barlow, Pastor Michael Polson and Tom Gray.

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

The time was 8:40 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
February 16, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, February 16, 1999 in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spanring, Sheryl Dahl, Fred Hall and Mike Doyle.

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

- Approve February 1, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for the amount of \$189,483.59.
- Approve Bid for One (1) 1999 4 WD Pickup.
- Accept Audit for Fiscal Year Ending June 30, 1998.
- Authorize City's Corporate Associate Membership with Firehall Fitness Center.
- Approve Flex Claim to Claudia Swanson.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1883, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THAT PORTION OF SIGN CODE REGULATING SANDWICH BOARD SIGNS AS ENACTED BY ORDINANCE NO. 1873 AND AS CODIFIED IN SECTION 30.50.G.7.4.a OF THE LIVINGSTON MUNICIPAL CODE.

Public comments opposing the amended sign ordinance were heard from Lenny Gregrey and John Fryer. A comment heard in favor of the amended ordinance was heard from Matt Smith.

Discussion was heard from the City Commission and Staff. Commissioner Dahl stated that she wanted the sign checklist to be reviewed by the Board of Adjustments and not the City Commission and questioned the application fee. Attorney Becker stated that there is a potential problem with CI-75.

City Manager Steve Golnar pointed out an editorial addition to the ordinance.

An amendment to the original motion was made by Dahl, second by Mikesell, to amend Section 7.4)a., to allow only one (1) "board per" twenty-five (25) feet in that twenty-five foot area. All in favor of the amendment. Amendment passed.

More discussion was heard concerning the location of sandwich board signs. Commissioner Dahl called for question, second by Spanring. All in favor. Motion passed.

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

City Planner Jim Woodhull gave background information on a variance request from Todd and Lynnette Ritterbush, 131 S. I Street. The Ritterbush's were requesting a variance from the side setback requirement for RII(MH) zoning districts, as they wish to

build an addition onto their home which would match the existing structure and would be two (2) feet from the side property line. Code requires a five (5) foot side setback.

The City Board of Adjustment is recommending approval of this variance request.

Motion was made by Dahl, second by Mikesell, to approve the findings of fact. All in favor. Motion passed.

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

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2970 at the February 1, 1999 regular Commission meeting.

Motion was made by Dahl, second by Spannring, to postpone Resolution No. 2970 until the February 16, 1999 regular Commission meeting.

Motion was made by Dahl, second by Spannring, to pull off the floor, Resolution No. 2970, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH MIKE ADKINS FOR MAYOR'S LANDING BANK STABILIZATION. All in favor. Motion passed.

City Manager Golnar clarified the scope of the project was the same as the original intent of the contract.

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

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2972, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AUDIT CONTRACT WITH OLNESS & ASSOCIATES.

It was clarified that this is for a two year contract only and not a three year audit agreement. Some discussion was heard.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2973, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH PARK COUNTY AND PARK COUNTY REFUSE DISTRICT #1. City Manager Golnar pointed out a change that he and County Commissioner Dan Gutebier initialed off on.

Commissioner Hall commented that Commissioner Mikesell and City Manager Golnar did an excellent job negotiating this agreement and commended them on their efforts.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve first reading of Ordinance No. 1884, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING A CRIMINAL OFFENSE WHICH PROHIBITS "TOPLESS" AND "BOTTOMLESS" PERSONS IN ANY ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES, PROHIBITING THE PROPRIETOR OR ANY PERSON IN CHARGE OF AN ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES TO KNOWINGLY PERMIT

"TOPLESS" OR "BOTTOMLESS" PERSONS THEREIN, REGULATING LIVE PERFORMANCES AND ESTABLISHING A PENALTY FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 877 AS CODIFIED BY SECTION 10-12 OF THE LIVINGSTON MUNICIPAL CODE.

Commission Dahl addressed changes she would like to be made to this ordinance. Discussion and comments were heard from the City Commission, City Attorney and staff. Commissioner Hall suggested tabling the ordinance until the next meeting due the changes that were being discussed and more work was obviously needed on this ordinance.

Motion was made by Hall, second by Dahl, to table first reading of Ordinance No 1884 until the next meeting. The vote to table was three in favor. Doyle and Spannring opposed.

City Manager Golnar reported that the Depot Center is requesting that the Commission consider the waiving of building permit fees for work to be done at the Depot. Mr. Golnar provided the City Commission with the background on this request. Diana Sieder, Director of the Depot Center was present.

Discussion was heard from the Commission. The building permit fee to be waived was estimated at \$100 or less, based on \$5,000 worth of construction.

Commissioner Hall questioned if the City has the authority to waive building permits and requested that the City Commission direct the City Attorney to look into seeing if the City has the authority and report back to the Commission.

No action was taken.

City Manager Golnar reported that two representatives from the Livingston Baseball Association were present to address the Commission with a request for installation of a permanent four foot chain link fence in the outfield of the T-Ball field.

Mr. Golnar provided information on the baseball fields from the May 6, 1996 City Council meeting.

Steve Briggs, President of the Baseball Association, John Hughes and Bob Segil addressed the City Commission with their request and stated that the Baseball Association will incur all costs.

Questions and discussion was heard from the Commission to the representatives. Supt. of Public Services Ken Kastelitz stated that it would be a positive addition to our parks.

Motion was made by Spannring, second by Mikesell, to approve the Baseball Association's request for the permanent four foot chain link fence in the out field at the T-Ball field.

An amendment to the motion was made by Dahl, second by Spannring, to amend that there are at least two openings for pass through foot traffic. All in favor of the amendment. Amendment passed.

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

Discussion was heard on a second request of the Livingston Baseball Association for the creation of a one way road around the girls softball field.

Bob Segil stated the issues of concern of the Baseball Association, and why they were requesting this access. Also addressing the Commission were Steve Briggs and John Hughes.

Supt. of Public Services Ken Kastelitz stated that it was a good idea to allow the Baseball Association to install a one way road to the area. Mr. Kastelitz stated that the only problem that he might see, was the enforcing of one way traffic on the road and that in his opinion, the Baseball Association would have to do the one way traffic enforcement.

Motion was made by Spannring, second by Mikesell, to approve the request for the creation of one way road around the girls softball field.

City Manager Golnar clarified with the Baseball Association, that the gate to this one way road would be locked except during the softball season. Mr. Briggs confirmed that this was correct.

Motion was made by Dahl to table this motion with more homework and a more comprehensive plan sent back from City staff. Motion died due to lack of a second.

An amendment to the motion was made by Dahl, second by Hall, to put a one year moratorium on the one way road to see if it works successfully, and that if it fails, the next year it is denied. The vote was two in favor, Mikesell, Spannring and Doyle opposed. Amendment failed.

Motion was made by Dahl, second by Hall, to postpone this until the next City Commission meeting, when the City Staff has time to work with the Baseball Association and come up with a budget and plan as to what is actually going to go on down there, including signage and including where the actual parking is going to be. The vote was two in favor, Mikesell, Spannring and Doyle opposed.

Motion was made by Hall, second by Dahl, to amend the motion to include that the Baseball Association agrees to provide whatever signage the Supt. of Public Services might deem being required. All in favor of the amendment. Amendment passed.

Four in favor of the motion as amended, Dahl opposed. Motion passed.

City Manager Golnar provided draft letters relating to the levee removal and flood plain management and commented on each of the various letters.

Commissioner Dahl stated that she has requested a number of items pertaining to the levee, by this meeting. Ms. Dahl questioned the City Manager if he has contacted the State on the necessary permits that are needed. Mr. Golnar reported that although initial contact had been made, definitive answers were not ascertained. City Manager Golnar reported further on the letters he wrote and that were included in the packet regarding the removal of the levee and landscaping.

Ms. Dahl stated that she is concerned about a September 30<sup>th</sup> extension requested and questioned why the City is pushing for September. Mr. Golnar stated that his concern was if we pushed to try and complete the project within FEMA's time frame of July 23<sup>rd</sup>, it would be within the high water season. Mr. Golnar did not feel that this is a very safe time to be excavating on the river bank and property damage from hauling would be high when the ground is saturated with water.

More discussion was heard concerning the taking down of the levee in a timely manner.

Commissioner Hall stated that he predicts it is going to cost more than \$80,000 to remove the levee and gave more reasons why he believes that the City needs the extension.

Mr. Golnar agreed that he needs to come up with some sort of concept for where the City is going with the whole thing and to review with the State Flood Plain Coordinator's office so that they can give the City some reaction.

Ms. Dahl suggested that a letter be sent to Envirocon to let them know that the City is keeping them in mind for some dirt.

Mr. Golnar stated that he will move forward in the direction that we are currently going and he will try to have more specifics for the Commission for the next meeting.

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

Finance Monthly Report, January 1999 (provided separately)  
 Livingston Fire/Ambulance Accounts Receivable Monthly Report, January 1999  
 Livingston Fire Department Monthly Report, January 1999  
 Police Department Monthly Report, January 1999  
 City Judge Monthly Report, January 1999  
 Water and Sewer Metered Revenues Monthly Report, January 1999  
 Code Enforcement Monthly Report, January 1999  
 Recreation Monthly Report, January 1999  
 Building Inspector Monthly Report, January 1999  
 Library Minutes, December 17, 1998  
 Library Director's Monthly Report, December 1998  
 City Attorney Quarterly Report, February 1999

City Manager Comments included:

- That the past two weeks have been packed with meetings that were very productive.
- The Legislative Session was becoming more active and the City Manager is receiving various bills. If the Commission is interested in any of the bills listed in the packet, to let the City Manager know and he will provide copy's in the Commissions boxes.
- Mr. Golnar has requested that the Department Heads have their preliminary budgets in to him by Wednesday, February 17<sup>th</sup>. Mr. Golnar hopes to have a preliminary budget to the Commission by early March.
- Upon further review, the City Manager has determined that the Solid Waste Study Engineering Services will need to be put out for proposals because it is in excess of \$10,000.
- Pending tasks anticipated for the next meeting:
  - Chinook Street Engineering Contract
  - Engineering for 1999 Infrastructure Contract
  - TD&H Contract and any recommendations for revisions based on engineer's claim for additional work.
- Possible projects and coordination with Economic Development effort.

- Announcement for Y2K meeting for February 19, 1999 that Mr. Golnar attended. Mr. Golnar reported that City staff is in the process of completing a summary report on the City's Y2K preparedness and he will forward this to the Commission as soon as its available.

The following calendar of activities and events was included for the Commission's information:

Feb 15	City Offices Closed - President's Day
Feb 16	5:00 p.m. - Park County Economic Development Commission Meeting - <i>Back room of the Sport</i>
Feb 16	7:30 p.m. - City Commission Meeting
Feb 17	7:00 p.m. - Sister Cities Meeting - <i>Winan's School</i>
Feb 18	6:00 p.m. - Tour Dispatch 6:30 p.m. - E 911 Equipment Needs for the City of Livingston and Park County
Feb 18	7:00 p.m. - Park County Environmental Council - <i>Yellowstone Motor Inn</i>
Feb 19	7:00 p.m. - Karla Emery, Y2K Presentations - <i>Community Room</i>
Feb 23, 24	Governor's Emergency Management Conference in Helena - Schmidt and Golnar
Feb 25	7:00 p.m. - Community Oriented Policing Meeting - <i>City Court Room</i>
Feb 25	7:00 p.m. - Upper Yellowstone River Task Force - <i>Yellowstone Motor Inn</i>
Mar 1	7:30 p.m. - City Commission Meeting

Commissioner Hall questioned if the 911 Committee meeting on February 18<sup>th</sup> has been published everywhere it can be noticed. Mr. Golnar stated he will make sure that it is.

Commissioner Dahl commented that something for the City Commission to consider is the concern that has been raised many times about the levee remaining near the Bandshell, Civic Center and the ball fields, is because that is an old dump. Mr. Dahl questioned what will happen when cars start driving on the dirt covering the old dump. Ms. Dahl stated that another item to consider is, if the City starts removing parts of the levee, will the City be in conflict with the Baseball Association's efforts to build the road.

Commissioner Mikesell stated that he had a person come up to him concerning the parking of trailers on the street and the this person gets his trailer marked every week that it is only allowed there for three days, but it is still connected to his vehicle. The person reported to Mr. Mikesell that the City does not ticket motor homes that they are left on the street and this trailer is connected to his vehicle. Mr. Mikesell feels that this does change things a little. Mr. Mikesell questioned the Commission on how they felt on changing the ordinance for trailers that are connected and asked them to think about it and respond back to him at the next Commission meeting.

Commissioner Spannring commented on the whole issue of the levee and believes that the Yellowstone River, which is the longest free flowing river in the lower 48 states. Mr. Spannring believes that the Yellowstone River, since white man came here with machinery, has changed the river however he has pleased. Mr. Spannring stated that there are parts of the levee he would like to see kept, and if the City has to move some of it, like what is in the County, we need to get on with it.

Commissioner Spannring thanked all the City employees and thinks that the City has great City employees, told City Attorney Bruce Becker that he thinks he has done a heck of a job, that he has tried real hard on the decency ordinance and thanked him for that. Told Chief McCann that the Dispatchers operate out of a unique and difficult situation and thinks that they need to be thanked. Mr. Spannring feels that the Fire Chief came into a difficult situation and has done very well and needs to be thanks. Mr. Tinsley and Mr. Kastelitz have done an extremely good job with what they have and the money they have to operate on with streets, sewer, etc. Mr. Spannring stated that what he is trying to say, is that we, as the Commission, as the City Manager, as the people, we forget to thank the people that make things work and Mr. Spannring thanked everybody for making things work. The Commission was in agreement.

Commissioner Hall questioned Supt. Kastelitz if the old landfill extends over into the baseball fields by John Long's property or ends by the Civic Center. Mr. Kastelitz stated that to his knowledge it ends by the Civic Center.

Chairman Doyle stated that for lack of a worksession and lack of the City Commission wanting to discuss the exotic dancing ordinance out in public, Mr. Doyle hopes that each of the Commissioner's individually will get together with the City Attorney and/or Mr. Golnar to have their thoughts expressed and put into the ordinance one way or the other, so that when the issue comes back before the Commission at their next meeting, the Commission can then go ahead and move on with it. Mr. Doyle stated that it was up to the Commission individually to get in contact with Mr. Becker.

Public comments heard concerning the decency ordinance was heard from the following individuals, Dallas Erickson, Matt Henry, Dave Carter, Tom Jeffery, Nita Williams, Susan Henry and Jeff Waldum.

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

The time was 10:02 p.m.

ATTEST:

APPROVED:

Julianne Brown  
RECORDING SECRETARY

Mike Doyle  
CHAIRMAN OF THE COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
March 1, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, March 1, 1999 at 7:30 p.m. in the Community Room at the City/County Building. Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring and Fred Hall. Commissioner Sheryl Dahl arrived at 7:35 p.m.

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

- February 16, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims that listed for \$130,068.787.
- Request from Livingston Gallery Association to Waive Open Container Law in Conjunction with the Summer Gallery Walks.

All in favor. Motion passed.

Jerry Lord addressed the City Commission to speak about his resignation from the Livingston Police Department.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 2874, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SCOTT NELSON ENGINEERING FOR CHINOOK STREET RECONSTRUCTION.

Commissioner Hall stated for public record, that he is associated with Scott Nelson and works for him.

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, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SCOTT NELSON ENGINEERING FOR WATER MAIN REPLACEMENT LOCATED IN 6<sup>TH</sup>, 7<sup>TH</sup>, 8<sup>TH</sup> AND 9<sup>TH</sup> STREETS BETWEEN PARK AND CALLENDER STREETS.

All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to approve Resolution No. 2976, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN ADDENDUM TO AGREEMENT WITH THOMAS, DEAN AND HOSKINS, INC. (TDH) FOR ENGINEERING THE LIVINGSTON BICYCLE AND PEDESTRIAN PATH.

City Manager Steve Golnar explained the addendum.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2977, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING GUIDELINES FOR DETERMINING PUBLIC INTEREST IN LOCATING SANDWICH BOARD SIGNS AND DESIGNATING THE BOARD OF ADJUSTMENTS AS REVIEWING BODY FOR ALL APPLICATIONS.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 2978, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN. All in favor. Motion passed.

More discussion was heard from last meeting's request by the Depot Center for the Commission to consider waiving building permit fees for work to be done on Depot.

City Manager Golnar summarized that there is no specific authority either in the Uniform Building Code or the State Building Codes to waive the fees. Included in the packet was a memo from the City Attorney to the City Manager regarding building fee waivers. In this memo, the Attorney commented that although the specific authority to waive fees does not exist, "generally, the City has the power to make grants and loans of money, property and services for public purposes.". Mr. Becker also noted that the City does not enforce electrical codes and that any waivers for that would need to be addressed by the State.

Diana Sieder addressed the Commission with this request.

Motion was made by Spannring, second by Mikesell, to forego the fee on the Depot Project.

Commissioner Dahl noted that she is on the Depot Board.

Commissioner Hall reminded the Commission that the taxpayers of the city are paying for a building permit to install the HVAC and roofing to the City/County building, and based on fairness, Mr. Hall stated that there was no way that he could support a building fee waiver for this project or anyone else.

The vote was four in favor. Hall opposed. Motion passed.

City Manager Golnar reported that the City has received a request from the Airport Board that the City fund a portion of a snow plow for at the Airport. A snow plow in the amount of \$9,200 is on reserve from the State of Montana Property Surplus in Helena.

A grant for \$4,600 of the funding of the snow plow was applied for and received through the Montana Aeronautics Commission. The County is seeking that the remaining \$4,600 be split between the City and the County. Mr. Golnar stated that this is not a budgeted item in this current fiscal year's budget and his recommendation was to allow for the payment of \$2,300 the snow plow in next year's fiscal budget. Mr. Golnar stated that this item is agendaed for the City/County meeting that is scheduled for this Wednesday.

Motion was made by Mikesell, second by Dahl, to allow for the \$2,300 to be budgeted in next year's budget to allow for payment of the City's percent of the snow

plow. Commissioner Hall questioned the obligating of funds for next years budget in a simple motion and vote by the Commission. City Manager Golnar stated that an alternative would be to amend the current fiscal year's budget. Mr. Hall agreed with this concept, stating that since this will be discussed at the next City/County meeting, he would like to see a budget amendment on the next City Commission meeting's agenda. Dahl withdrew her second and Mikesell withdrew the motion.

Ms. Dahl questioned if the County would like something in writing from the City, that they will provide funds for the snow plow. Discussion was heard from the Commission that they would like the County Commissioners to know that the City comes into the City/County meeting with a positive direction for funding a portion of the snow plow. The City Manager and Finance Officer will figure out where the money will be found.

Mr. Golnar commented on a letter received from Roy Korkalo, Chairman of the Airport Board, relating to the Gardiner Airport lease and significant increases to the lease over the years. The Airport Board will be inviting the City Manager to a meeting that is being set up. Mr. Golnar stated he will keep the City Commission informed.

A summary of the bids received for Livingston Bike/Pedestrian Path was provided for the Commission. The low bid was Big Sky Asphalt in the amount of \$186,750. The engineer's estimate was \$170,000. Mr. Golnar mentioned that the low bid was within the 15% of the engineer's estimate and by CTEP rules is an acceptable bid.

City Manager Golnar's recommendation is to revised the CTEP budget and the City's local match to meet the bid amount through a budget amendment and direct the City Attorney to develop a contract and resolution to enter into for construction of the Bike/Pedestrian Path.

Commissioner Dahl questioned where the extra money will come from. Mr. Golnar replied that the CTEP match is 86.58% and the remaining 13.42% is the City's. The City will have to come up with 13.42% of \$16,750.

Mr. Golnar stated that he will come up with a proposed budget amendment that makes up the difference from City funds and will also make a request to the Soroptimist Club for a renewal of their previous bike path funding pledge.

Motion was made by Dahl, second by Mikesell, to approve the bid from Big Sky Asphalt contingent on CTEP's approval and the finding of the matching cash.

All in favor. Motion passed.

City Manager Golnar reported on two enclosed memo's from Supt. of Public Services Ken Kastelitz concerning the 1999 Street Maintenance Program approach specifically the chip sealing and the overlaying of concrete streets.

The local Technical Assistance Program at MSU was contacted to see if there was a better way to chip seal. Their conclusion based on reviewing the City's process, was that for the price, the City seemed to be taking a reasonable approach to maintaining the streets with the chip seal surface and recommended that the City continue as they are. The Manager recommended that as a general policy, the City should continue overlaying and chip sealing concrete streets and that publication of our

plans should be made well in advance of any work being done to allow for public comment.

Letters of resignation were received from Lee Phillips, Chair of the Board of Adjustments and Vice Chair of the City/County Zoning Board, and Lenny Gregory from the Board of Adjustments. These volunteer positions will be advertised.

Captain Jerry Lord has submitted his resignation and the City Manager has authorized the Police Chief to begin looking for a replacement officer as soon as possible.

City Manager Golnar reported that it has been determined that the assistant to the Recreation Director who had been employed by contract to date, should be classified as a City employee. Mr. Golnar reported that the position was not budgeted for in the current fiscal year, however a contract for services was included in the budget. Discussion was heard from the Commission concerning extra benefits and that a position description is in the process of being prepared.

City Manager Golnar summarized on his levee removal status report that was included in the packet. Mr. Golnar reported that the Golf Course Board of Directors meets tomorrow and they will get back to the City Manager afterwards in response to the City's request for an easement to remove the levee.

Mr. Golnar stated that he has not been able to contact Mr. Long relating to the easements to access portions of the levee.

Commissioner Dahl questioned the status of FEMA paying for removal of the levee on Mr. Long's property. Mr. Golnar stated that FEMA has not commented on that at this time. Mr. Anderson's opinion in reading the nature of the easement that was developed by the City with the property owners, was that the interest and ownership to either remove or re-vegetate levee, conveyed to the private property owners. If this is correct, the removal of the levee is a private property issue at this point which is not eligible for FEMA funding. Mr. Becker has suggested that the private property owners give the City a temporary levee removal easement. FEMA would fund this if it was a City or public entity responsibility.

City Manager Golnar answered further questions for Commissioner Dahl.

In response to Commissioner Mikesell's request at the last meeting, the City Manager included in the packet, a copy of applicable sections of the City code relating to the parking of trailers on city streets. Discussion was heard between the Commission, City Manager and staff. The City Commission was in favor of no further action being taken on this matter.

A copy of the Supreme Court's decision regarding CI-75 can be obtained from the City Manager or City Attorney if the Commission is interested.

City Manager Golnar's recommendation is that the City not pursue the roto milling option on the Bike/Pedestrian Path due to the fact that the availability of roto millings

from the MDT project is in question and that the bid for the Bike/Pedestrian Path was within 15% of the engineer's estimate.

MMIA worker's compensation program dividend's were distributed to the cities and towns. Livingston received \$23,297 in dividends for a good year.

City Manager Golnar provided the Commission will a February 23, 1999 annual progress report that he submitted to DEQ relating to the Donovan Site per the City's agreement with Mr. Donovan.

The following calendar of events and activities was provided for the Commission's information:

March 1	7:30 p.m. – City Commission Meeting
March 3	4:30 p.m. – City/County Meeting
March 8	6:30 p.m. – Dispatch Study Group
March 10	6:30 p.m. – Skate Park Meeting; <i>Community Room</i>
March 12	7-8 a.m. – Utility Shop Health Fair 3-4 p.m. – City Hall Health Fair
March 15	7:30 p.m. – City Commission Meeting

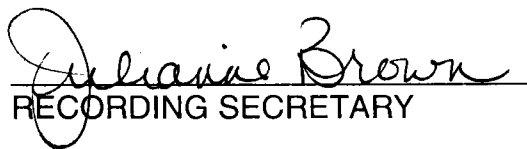
No public comments were heard.

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

The time was 8:24 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
March 15, 1999  
6:47 p.m.

The Livingston City Commission met in regular session on Monday, March 15, 1999 at 6:47 p.m. in the Community Room at the City/County Building. City Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell, Bill Spanning and Sheryl Dahl.

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 the City Manager's job performance review at 6:48 p.m.

The Commission went into open session at 7:52 p.m.

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

- Approve March 1, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$85,420.51.
- Appointed Marian O'Neil as the City's appointee to the 911 Advisory Board.

All in favor. Motion passed.

Chairman Doyle proclaimed March 1999 as Women's History Month in the City of Livingston earlier in the week and recognized the proclamation at the City Commission meeting.

Chairman Doyle proclaimed March 8 – 14, 1999 as Girl Scout Week in the City of Livingston.

City Planner Jim Woodhull gave the City Commission background information on a variance request from Terry and Olga Smart of 330 N. Yellowstone Street. The Smart's are requesting a variance from the side setback requirement for RIII zoning district. They wish to build an addition onto their home, which would be six and one-half (6 ½) feet from the side property line adjacent to a street. Code requires a ten (10) foot setback on a side adjacent to a street.

The City's Board of Adjustment recommends that the City Commission approve this variance.

Motion was made by Spanning, second by Dahl, to accept the City's Board of Adjustment's finding of fact. All in favor. Motion passed.

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

City Planner Woodhull gave the City Commission background information on a variance from Deforest and Marianne Shuyler of 522 W. Front Street. The Shuyler's are

requesting a variance from the side setback requirement for RII zoning district. They wish to build an addition onto their home, which would be approximately four and one-half (4 ½) feet from the side property line. Code requires a five (5) foot side setback.

The City's Board of Adjustment recommends that the City Commission approve this variance.

Motion was made by Spannring, second by Dahl, to accept the City's Board of Adjustment's finding of fact. All in favor. Motion passed.

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

Motion was made by Mikesell, second by Dahl, to approve, Resolution No. 2969, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MARVIN & ASSOCIATES FOR LIVINGSTON AREA TRANSPORTATION STUDY.

All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve, Resolution No. 2979, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER FOR CONTRACT WITH MIKE ADKINS FOR MAYOR'S LANDING BANK STABILIZATION TO INCREASE THE CONTRACT PRICE BY \$2,382.80.

Motion was made by Spannring, second by Mikesell, to approve, Resolution No. 2980, A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve, Resolution No. 2981, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF Livingston, MONTANA, AMENDING ITS POLICY FOR GRANTING TAX BENEFITS FOR REMODELING, RECONSTRUCTION OR EXPANSION OF COMMERCIAL BUILDINGS OR STRUCTURES BY ESTABLISHING AN APPLICATION FEE.

City Manager Steve Golnar pointed out that the amended Resolution established an application fee which was not possible when the initial resolution creating the tax benefit was passed, due to the passage of CI-75. Since CI-75 had been declared unconstitutional by the Supreme Court, establishing the fee was now possible.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve, Resolution No. 2982, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF Livingston, MONTANA, CALLING FOR A PUBLIC HEARING ON THE INTENT TO AMEND THE BUDGET FOR PARK IMPROVEMENT TRUST FUND #7094 BY INCREASING LINE ITEM

7094.000.460430.930 IN THE AMOUNT OF \$1,159.00 BY APPROPRIATING MONEY ACCRUING THERETO FROM DEVELOPERS FOR FISCAL YEAR 1998-1999.

All in favor. Motion passed.

(Motion was made by Spannring, second by Dahl, to approve first reading of Ordinance No. 1884 at the 2/16/99 regular City Commission meeting) Motion was made by Spannring, second by Dahl, to bring off the table, first reading of Ordinance No. 1884, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING A CRIMINAL OFFENSE WHICH PROHIBITS "NUDITY" IN ANY ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES, PROHIBITING THE PROPRIETOR OR ANY PERSON IN CHARGE OF AN ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES TO KNOWINGLY PERMIT "NUDE" PERSONS THEREIN, PROHIBITING CONTACT BETWEEN MEMBERS OF THE AUDIENCE AND ADULT LIVE ENTERTAINERS, REGULATING ADULT LIVE ENTERTAINMENT AND ESTABLISHING A CRIMINAL PENALTY FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 877 AS CODIFIED BY SECTION 10-12 OF THE LIVINGSTON MUNICIPAL CODE. Four in favor. Hall opposed. Motion to bring off the table passed.

Motion was made by Spannring, second by Mikesell, to amend by replacing original Ordinance No. 1884 with this version for first reading. The vote was four in favor. Hall opposed. Amendment passed.

Dave Carter read a written statement to the Commission as he was on the agenda.

Others commenting on the Ordinance included: Steve Newman, Kelsie Cockrell, Hillary Piolanti, Sally Bandstra, Doug Dunn, Jeff Waldum, Tawa Jeffery, Fred Shellenberg, Marty Burrignt, Dan Miller, Joel Pattengale, Joe Magalsky, Judy Pattengale, Harry Nedens, Bob Telljohn, Lee Parriott and Patsy Carter.

Extensive discussion was heard from the Commission on changes they would like to the amended ordinance. Members of the Commission stated that more work needs to be done before they voted to pass first reading.

An amendment was made by Spannring, second by Mikesell, that the requirement for a three foot barrier, four feet between the audience and the dancer's two foot high stage be added to the ordinance.

More discussion was heard concerning the barrier and that it was apparent that more work needed to be done on this ordinance. A table barrier was discussed.

The vote on the barrier amendment was three in favor. Hall and Dahl opposed. Amendment passed.

Motion was made by Hall, second by Dahl, to table this ordinance for further work and bring it back to the next meeting. The vote was four in favor. Spannring opposed. Motion to table passed.

A short recess was taken at this time.

Motion was made by Spannring, second by Mikesell, to approve first reading of Ordinance No. 1885, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF



LIVINGSTON, MONTANA, ENACTING THE "LASER SAFETY ORDINANCE" MAKING IT A MISDEMEANOR CRIMINAL OFFENSE TO PROJECT A LASER ONTO OR AT A LAW ENFORCEMENT OFFICER AND PROVIDING THE PENALTY FOR VIOLATION THEREOF.

Questions were heard on why this legislation only pertained to Law Enforcement. Police Chief Steve McCann explained.

All in favor. Motion passed.

Motion was made by Spanning, second by Mikesell, to re-appoint Patty Kiderlen to the Yellowstone Country Montana Board of Directors for another three year term. All in favor. Motion passed.

City Manager Golnar summarized a request from Fire Chief Robert Schmidt for permission to formally request bids for a potential ladder truck replacement and possible options for funding of a new ladder truck. Mr. Golnar also recommended that the charges for any advertising be assessed to the Fire Department.

Chief Schmidt is proposing that by not filling the Assistant Fire Chief's position that sufficient funds would be saved to allow for the payment of debt for a designated period of time which could be used to purchase a new ladder truck.

Chief Schmidt addressed the Commission to answer any questions.

Commissioner Dahl commended Chief Schmidt on his letter in the packet.

Motion was made by Dahl, second by Spanning, that the Commission encourage and allow the Fire Department to go out for bid on the ladder truck with the cost for the advertising to come from the Fire Department.

Commissioner Hall stated his concerns that it costs a vendor money to put in a bid, and that at this time there is no budget or no way to pay for the fire engine or any intention of purchasing a fire engine, does this put the City in violation of good faith?

Further discussion was heard concerning the Utility Building and how it was bid out, and how does the City find out how much a fire truck would cost for bidding purposes, if not going out for bids. City Attorney Becker stated that he could come up with wording to make it flexible.

Discussion was heard concerning House Bill 476 for funding the fire truck. Mr. Golnar stated that as the bill is currently written, it only allows for incurring debt not to exceed 10% of the General Fund budget of a municipality and that if the house bill would pass and the City use it for funding of a new truck, it would need to be amended to 20% to cover the costs of the fire truck.

An amendment to the motion was made by Dahl, to just get prices on the fire truck.

Mr. Becker stated that he could write something up, that the City is seeking bids for the purchase of a fire truck contingent upon the purchase price and the funding available.

Commissioner Mikesell feels that this needs to be sold to the public first as it involves tax dollars.

Mr. Becker stated that he has talked to InterCap and they will give the City serious consideration for a loan, once the City has a purchase price. InterCap will give a ten year loan.

City Manager Golnar stated that both, fire and ambulance budgets needed to be looked at, as the Assistant Fire Chief's position is from both budgets.

Ms. Dahl withdrew her amendment.

Mr. Golnar stated that he would like concurrence from the Commission that he could approach the legislator's regarding House Bill 476 to see if the 10% could be raised to 20% to help with funding. The Commission stated that could be talked about at a later time.

An amendment to the motion was made by Dahl, second by Spannring, to go out for formal bid contingent upon financing. The vote was three in favor, Mikesell and Hall opposed. Amendment passed.

The vote on the original motion with the amendment was three in favor. Mikesell and Hall opposed. Motion passed as amended.

Discussion was heard concerning House Bill 476 and asking the legislator's to have the 10% debt capacity local government could incur raised to 20% if possible. The consensus of the Commission was three in favor to increase the percentage, with Mikesell and Dahl opposed.

City Manager Golnar mentioned that this bill will come before the legislature sometime that week.

City Manager Golnar reviewed the Livingston Advanced Measures Levee Removal plans with the City Commission. Mr. Golnar provided the Commission with a handout he recently received from the Corps of Engineers giving notice that the City received partial funding for the Section 205 Study, which will evaluate the structural/non structural long term solutions for managing the flood plain in Livingston. The Corps would like to come out next month to begin to look at alternative approaches for this study and to meet with local officials.

Larry Buss from the Corps of Engineers will be developing a revised profile in response to the profiles that the City Manager had sent him.

Jim Anderson has talked with FEMA and they are working on the City's request for an extension of the March 30<sup>th</sup> deadline.

Mr. Golnar stated that he has toured John Long's property with the County Planner and the City Attorney, and will work with the Attorney to draft a lease agreement that meets Mr. Long's requirements.

No word has been heard from the Country Club at this time relating to City's request to access their golf course property for removal of the levee. Commissioner Dahl asked that a letter be written to the Country Club with a deadline of March 30, 1999 to request a response from the Country Club.

Motion was made by Dahl, second by Mikesell, to authorize \$2,300 towards the purchase of a snowplow for the City/County Airport.

City Manager Golnar reported the budget resolution that was approved with the passage of the last budget, created the authority for the City Manager to enter into certain budget amendments. Mr. Golnar reported that he would make the Commission aware of any budget amendments before he entered into them. This item will create a

budget amendment.

All in favor. Motion passed.

The following Department Head monthly reports and minutes were provided for the Commission's information:

Finance Monthly Report, February 1999 (provided separately)  
 Livingston Fire/Ambulance Accounts Receivable Monthly Report, February 1999  
 Livingston Fire Department Monthly Report, February 1999  
 Police Department Monthly Report, February 1999  
 City Judge Monthly Report, February 1999  
 Water and Sewer Metered Revenues Monthly Report, February 1999  
 Code Enforcement Monthly Report, February 1999  
 Building Inspector Monthly Report, February 1999  
 Library Minutes, January 21, 1999  
 Library Director's Monthly Report, January 1999

Commissioner Dahl stated "nice job" to Milla Cummins, the Library Director, for the grant she obtained.

City Manager Comments included:

- Pending Budget Amendments:
  - Disaster and Emergency Fund for the Mayor's Landing Bank Stabilization Project;
  - Bike/Pedestrian Path Funding upon approval from CTEP for the contractor.
- Mayor's Landing Bank Stabilization Project Completed as of March 9, 1999.
- Special Improvement District engineering underway for North N Street and a portion of Montana Avenue.
- Ambulance Fees for Big Timber Transfers recommendation for the next Commission meeting.
- Bike Path Funding Status.
- Proposed Housing Project request for comments (Timberline Apartments).
- Street Maintenance Program Maps for 1999 were provided to the Commission in their mail boxes.
- Health Fair and Blood Draw for City Employees was held Friday, March 12, 1999.
- The Insurance Committee met on March 9, 1999.
- Follow up from the City/County Meeting held on March 3, 1999 included:
  - Getting with the County Commissioners to develop a plan for maintenance and depreciation for the heating, ventilating and air conditioning system.
  - Further discussion at another meeting about City/County Complex space use as either a "Government Center" or a City/County Offices primarily.

- A proposal for septic dumping at the Sewer Plant will also be worked up in coordination with Clint Tinsley, Supt. of Public Utilities.
- Budget issues to be discussed at the next meeting include; Optional Vehicle Tax, Ambulance, Library, Dispatch, DARE, Airport, Solid Waste, Sanitarian, City/County Complex Maintenance Cleaning Contract.
- Fred Hall, Chairman of the Dispatch Study Group also wishes to review the current status of the Dispatch Study Group's efforts with the City and County at the City/County meeting on April 7<sup>th</sup>.

The following calendar of activities and events were included for the Commission's information:

March 9	Yellowstone River Corridor to be Studied – See enclosed press
March 15	7:30 p.m. – City Commission Meeting – Community Room
March 16	5:00 p.m. – Park County Economic Development Corporation – Back Room of Sport
March 17	1:00 p.m. – 5:00 p.m. – Tour Gallatin County Dispatch Center (meet at City Manager's office)
March 18	7:00 p.m. – Detention Committee – Community Room
March 18,19	Infrastructure Planning Workshops – Billings; See flyer. Clint Tinsley, Jim Woodhull and Steve Golnar plan to attend
March 22	6:30 p.m. – Dispatch Study Group
March 24	7:00 p.m. – Winans School – Sister City Committee
March 29	6:30 p.m. – City Commission Goals Worksession
March 31	4:30 p.m. – Infrastructure Committee Meeting

Commissioner Dahl encouraged the City Manager to send Dave Jensen a thank you letter for his offer of free assistance on a landscaping plan for the Mayor's Landing old landfill.

Commissioner Dahl asked Police Chief Steve McCann if he wanted a letter from the Commission on the 911/Y2K update. Chief McCann stated that no formal letter was needed. City Manager Golnar stated that he has sent a letter from the Dispatch Study Group to the 911 Committee expressing support.

Commissioner Dahl thanked the Girl Scouts for her invitation to the banquet. Ms. Dahl stated that she had a good time.

Commissioner Dahl mentioned that something the Commission might like to think about at a later time, is what is being done on the Gallatin River, instead of rip rapping with rocks, they are putting in cotton wood trees, roots upstream, cabling them to banks and backing them up with willows and dog wood and other river like shrubbery's. Ms. Dahl stated that in the future when the City is looking at bank stabilization, that this way to go is cheaper and is good for fish habitat.

Commissioner Hall commented that as it is becoming the tourist season with more people coming to town, a group of local businessmen have come to him with the suggestion, that the City institute for their parking tickets, some sort of courtesy ticket directed toward out of County and out of State people. Police Chief McCann stated that the City currently has a courtesy ticket which is being used.

Discussion was heard on what type of tickets the parking enforcement officer can write and about vehicles with out of State plates that are currently working in Montana.

Commissioner Spannring also thanked the Girl Scouts for the invitation to their banquet for the past two years.

Commissioner Mikesell stated that he has received a complaint about the number of cars parked at the Pamida parking lot that work at the Stillwater Mine and have out of State license plates. Mr. Mikesell stated that if they were gainfully employed, they should be ticketed. Police Chief McCann stated that they cannot be ticketed while they are parked.

City Manager Golnar was encouraged to write a letter to the Stillwater Mine to inform their employees that once they are gaining fully employed in the State, they need to register their vehicles. Mr. Golnar stated that he would call the mine and write a letter.

No public comment was heard.

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

The time was 10:58 p.m.

ATTEST:

*Julianne Brown*  
RECORDING SECRETARY

APPROVED:

*Mike Ugo*  
CHAIRMAN OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 7, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 7, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Bill Spanring, Sheryl Dahl, Fred Hall, Mike Doyle, and Pat Mikesell. Commissioner Dahl left at 8:50 p.m.

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

- Approve March 15, 1999 Regular City Commission Meeting Minutes;
- Accept Bills and Claims in the amount of \$131,453.61;
- Approve Route for "Run or Walk for Wellness" on May 22, 1999;
- Approve Temporary Street Closure for Fire Department Training; and;
- Claim to Wendy Gibson for Clerk's School on April 18-23, 1999.

All in favor. Motion passed.

Chairman Doyle proclaimed April 11-17, 1999 as National Public Safety Dispatchers Week in the City of Livingston.

A public hearing was held on second reading of Ordinance No. 1885, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING THE "LASER SAFETY ORDINANCE" MAKING IT A MISDEMEANOR CRIMINAL OFFENSE TO PROJECT A LASER ONTO OR AT A LAW ENFORCEMENT OFFICER AND PROVIDING THE PENALTY FOR VIOLATION THEREOF. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2983, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE CITY PLANNER AS ENVIRONMENTAL CERTIFYING OFFICER FOR THE HRDC PURCHASE OF THE MILES BUILDING. City Manager Steve Golnar summarized the resolution. HRDC representatives Caren Roberty and Jeff Rupp were present to answer any questions.

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 2984, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON THE INTENT TO AMEND THE BUDGET FOR SENIOR TRANSPORTATION BOARD FUND #7050 BY INCREASING LINE ITEM 7050.000.410160.940 IN THE AMOUNT OF \$8,550.00 BY TRANSFERRING MONEY FROM RESERVE ACCOUNT #7050.102060 FISCAL YEAR 1998-1999 AS THE MATCH TO OBTAIN FEDERAL GRANT TO PURCHASE VAN.

City Manager Steve Golnar explained this resolution for the Commission and stated that the Angel Line Van would be delivered in May.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to bring off the table, first reading of Ordinance No. 1884, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING A CRIMINAL OFFENSE WHICH PROHIBITS NUDITY IN ANY ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES, PROHIBITING CONTACT BETWEEN MEMBERS OF THE AUDIENCE AND EXOTIC ENTERTAINERS, AND ESTABLISHING A CRIMINAL PENALTY FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 877 AS CODIFIED BY SECTION 10-12 OF THE LIVINGSTON MUNICIPAL CODE. The vote was four in favor. Hall opposed. Motion passed.

Chris Petrik read a written statement against the issue, as he was on the agenda.

Citizens speaking for the issue included: Lewis Hidalgo, Shelly Nustrom, Tawa Jeffery, Co Englehart, Ed Raihl, Tony Ballew, Tim Stevens, Karen Durow, Pastor Daniel Miller; John Fox, Ben Tyner, Marsha Beers, Bob Braiser, Mike Egeland, Bob Telljohn, Roy Wrights, Jean Essex, Pastor Harlan Durgan, Donna Green, Calvin Hoover and Joyce Vandervort.

An amendment to the motion of first reading was made by Hall, second by Dahl, to omit all text that is currently written under Ordinance No. 1884, removing all text and substitute what is being called "Option B" beginning on page 68 (of the packet) for the Ordinance in discussion.

Commissioner Spannring polled the City Manager, Police Chief and City Attorney on which option they recommended. All three answered "Option A".

Extensive discussion was heard, with the Commissioners stating their comments.

The vote on the amendment was Dahl and Hall in favor. Spannring, Doyle and Mikesell opposed. Amendment died.

Motion was made by Spannring, second by Mikesell, to amend Ordinance No. 1884 to include the wording from "Option A". The vote on the amendment was Mikesell, Spannring and Doyle in favor. Dahl and Hall opposed. Amendment passed.

The vote on Ordinance No. 1884 as amended was Spannring, Doyle and Mikesell, in favor. Dahl and Hall opposed. Motion passed.

The Sister Cities Committee is requesting that the City waive rental fees for the Civic Center for their dance on May 1, 1999. City Manager Golnar reported that he would like to pay for the rental fee of the Civic Center for the dance out of his public relations budget so that the Recreation Department does not lose revenues and the Sister Cities Committee which is also closely linked to the City, receives support.

Discussion was heard from Commission members. Co Englehart questioned why there was a rental fee for a City function. City Manager Golnar responded.

Motion was made by Spannring, second by Dahl, to waive the \$1,000 damage deposit for the Civic Center for the Sister Cities Dance and that the City Manager will pay for the \$250 rental fee out of his public relations funds.

All in favor. Motion passed.

A recess was called at 8:50 p.m. At this time Commissioner Dahl left the meeting. The meeting went back into open session at 8:56 p.m.

City Manager Golnar updated the Commission concerning a response from the profile with the Corps of Engineers relating to an elevation profile which would meet the .5 foot rise limitation that State Law requires pertaining to the levee removal.

Comments and discussion was heard from members of the City Commission and the Manager.

Mr. Golnar responded to Commissioner Spanning's question on who will pay for the levee removal. Mr. Golnar stated that there are several components to the cost of the levee removal and went on to explain what they were.

Also discussed, was the Country Club's response to the City's request for an easement for levee removal. A letter was received from the County Club's attorney on conditions under which they would allow the City access to their property for levee removal purposes.

City Manager Golnar stated that the City has an obligation under the contract that was signed with the Corps of Engineers to remove levee if the Corps does not allow it to become permanent. Mr. Golnar also informed the Commission that ownership and re-vegetation on removal of the levee.

Commissioner Mikesell stated his concerns on why only the City is being told to remove the levee and not the other people who put up levees or rip rapping up and down the river.

The Commission would like the City Manager to write a letter to the Corps asking who will pay for property damage after the levee is removed.

Mr. Golnar stated that he will be sending FEMA some information and will push the question of the City getting some assistance in other areas that were discussed.

A Section 22 Study, a flood plain analysis and bank stability study, was done in cooperation with the County in 1996 after the first flood. The cross sectional flood plain information from that study was just received last week. The same information was used with the levee analysis as the basic information for the flood plain, without the advanced measures levee in place.

City Manager Golnar reported that he has signed the notice of award to Big Sky Asphalt for the Bike/Pedestrian Path project. Mr. Golnar stated that the conditions that the Commission put on the awarding of the project, have been met.

A contract will be before the Commission at the next meeting to move forward with this project.

The City Commission authorized the City Manager to send a letter to the County Commissioners stating the City's support for a 911 upgrade to be Y2K compatible.

The City Commission authorized the City Manager to send a letter to the County Commissioners stating the City's support for an Enhanced 911 upgrade.



The City Manager reviewed with the Commission, a Y2K Preparedness Plan and major recommendations compiled by City staff. Mr. Golnar thanked Police Chief Steve McCann for chairing this committee and working with the Department Heads.

Motion was made by Spannring, second by Mikesell, to order a generator and appropriate wiring for the municipal water wells that is covered in the major recommendation item #9 on page 8 of the Y2K Preparedness Overview Plan.

The vote was four in favor. Dahl absent. Motion passed.

City Manager Comments for the City Commission's information were as follows:

- Legislative Updates – Chairman Doyle questioned the status of Senate Bill 370. Commissioner Mikesell stated he is for this bill and hopes that Bozeman will also consider it;
- Roto-milling Update;
- Building Department Accounting for Revenues vs. Expenditures;
- Comment to Montana Board of Housing Relating to Timberline Apartments Housing Project Submitted;
- Yellowstone River Floodplain Analysis Received from the Corps of Engineers;
- Grants Update:
  - USDA Forest Service Rural Community Assistant Grant in the amount of \$5,000 was submitted on 3/31/99;
  - Companion Grant Application for Community Development Block Grant Technical Assistance will be submitted by March 30<sup>th</sup> for the East Livingston Urban Renewal Plan – Needs Assessment and Capital Projects Plan;
  - Park County Economic Development \$400,000 Community Development Block Grant application through Park County;
  - A Partial Award for the ESRI Geographic Information Systems Software was received.
- Septic Dumping in the City of Livingston Sewer Treatment Plant;
- East Side School Request for Proposals to be Sent Out with Proposals Due by April 30<sup>th</sup>.

The following Calendar of Activities was provided for the Commission's information:

April 5 <sup>th</sup>	7:30 p.m. – City Commission Meeting; Community Room
April 7 <sup>th</sup>	4:30 p.m. – City/County Meeting; County Commissioner's Chamber
April 12 <sup>th</sup>	6:30 p.m. – Dispatch Study Group; Community Room
April 13 <sup>th</sup>	10:00 a.m. – Transportation Coordinating Committee; Community Room
April 8 <sup>th</sup> & 9 <sup>th</sup>	Grant Seeking and Writing; Lewistown Yogo Inn – Informational
April 14 <sup>th</sup>	Community Transportation Workshop for District Liaisons – CTEP; Whitehall, City Manager to attend
April 19 <sup>th</sup>	7:30 p.m. – City Commission Meeting; Community Room
April 20 <sup>th</sup>	5:00 p.m. – Park County Economic Development Committee; Backroom of the Sport

April 21,22 &23 Greater Open Space City Manager's Meeting; Moscow  
Idaho – City Manager to attend  
April 28<sup>th</sup> 4:30 p.m. – Infrastructure Committee Meeting; Utility Building  
May 7<sup>th</sup> 6:30 p.m. – Y2K Panel; Credit Union – City Manager to attend  
May 17 – 20 Grants Management: Planning, Implementing,  
Monitoring, and Evaluating Grant Fund Programs;  
Snowbird, Utah – Informational  
May 22<sup>nd</sup> Sister Cities Garage Sale at the Civic Center

City Manager Golnar reported that he has promoted Police Officer Glen Farrell to Captain status effective April 1, 1999.

City Manager Golnar reviewed a letter with the City Commission he has written to the Park County Commissioners regarding the ½ % Vehicle Option Tax. This will be an agenda item for the upcoming joint City/County meeting. The Commission approved Mr. Golnar sending this letter.

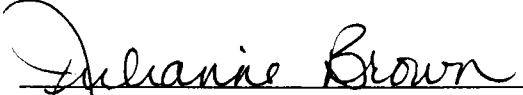
No public comments were heard.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 19, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 19, 1999 at 7:30 p.m., in the Community Room at the City/County Building. City 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 the April 5, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the Amount of \$50,585.80.
- Appoint Mr. Curtis J. Hartman as City Representative on the City/County Planning Board.
- Accept Letter of Resignation from Richard Loftice from the Police Commission and Advertise for Police Commission Applicants.
- Accept Letter of Resignation from Bob Segil from the Historic Preservation Commission Board and Advertise for Historic Preservation Commission Applicants.
- Appoint Amy Bell to both the City Board of Adjustment and the Historic Preservation Commission.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from the Human Resource Development Council (HRDC), owner of property located at 201 S. F Street, who is requesting a variance from the street-side setback requirement for RIII zoning districts. They wish to build an entranceway onto their building which would be approximately six (6) feet from the side property line adjacent to a street with a roof structure that would extend very nearly to the property line. Code requires a ten (10) foot setback on a side adjacent to a street.

City Planner Woodhull noted that only two members of the Board of Adjustment were present and even though that does not constitute a quorum, it was decided to hold the hearing as advertised.

Bret Nave, Project Architect addressed the Commission to answer any questions.

Motion was made by Hall, second by Dahl, to approve the findings of fact as written on page 28 (of the packet). All in favor. Motion passed.

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

City Planner Woodhull gave background information on a variance request from Ronald & Christine Miller of 322 S. E, from the front setback requirements for RII zoning districts. They wish to build a garage on the front of their property which would be

fifteen (15) feet from the front property line. Code requires a twenty-five (25) foot front setback.

City Planner Woodhull noted that only two members of the Board of Adjustment were present and even though that does not constitute a quorum, it was decided to hold the hearing as advertised.

Motion was made by Dahl, second by Hall, to approve the findings of fact as stated on page 35 (of the packet). All in favor. Motion passed.

Discussion was heard concerning a 15 foot driveway.

Commission Dahl thanked City Planner Woodhull for preparing the findings of fact for Commission approval.

Motion was made by Dahl, second by Mikesell, to approve the variance for the Miller's at 322 S. E, with the stipulation that they have at least an 18 foot driveway. All in favor. Motion passed.

A public hearing was held on Resolution No. 2987, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 1998-1999 FOR SENIOR TRANSPORTATION BOARD FUND #7050 BY INCREASING LINE ITEM 7050.000.410160.940 IN THE AMOUNT OF \$8,550.00 BY TRANSFERRING MONEY FROM RESERVE ACCOUNT #7050.102060 TO THE MATCH TO OBTAIN FEDERAL GRANT TO PURCHASE VAN. No public comments were heard.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2987. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1884, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ENACTING A CRIMINAL OFFENSE WHICH PROHIBITS NUDITY IN ANY ESTABLISHMENT LICENSED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES, PROHIBITING CONTACT BETWEEN MEMBERS OF THE AUDIENCE AND EXOTIC ENTERTAINERS, AND ESTABLISHING A CRIMINAL PENALTY FOR VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 877 AS CODIFIED BY SECTION 10-12 OF THE LIVINGSTON MUNICIPAL CODE.

Dave Carter and Tawa Jeffrey each addressed the City Commission with their comments on this subject as they were on the agenda.

Public comments were heard from Steve Newman, Homer Berrum, Yvonne Adams, Chuck Watson, Tim Stevens, Co Englehart, Amy Francis, Kim Quesenberry, Bob Ebinger, Lee Parriott, Tom Melin, Calvin Hoover, Harry J. Nedens, Marty Claar, Karen Durow, March Richmond, Sally Bandstra, Tina Piper, Jeff Waldum, Harlan Durgen, Mike Jones, Jackie Fox, Delores Saxton, Harry A. Nedens, Amy Titgemeier, Bill Schrigley, Marty Burreight, Pat Wagman, Elaine Magalsky, Joe Magalsky, Patsy Carter, Catherine Wrights, Fred Casten and Dan Indendi.

Discussion and comments were heard from the City Commission.

The vote on second reading of Ordinance No. 1884 was Dahl and Hall opposed and Doyle, Mikesell and Spanring in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 2988, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH BIG SKY ASPHALT FOR PEDESTRIAN/BICYCLE PATH PROJECT. An amendment to the motion was made by Hall, second by Dahl, to amend section 3.1 of the agreement to add the figure \$186,750. All in favor of the amendment. Amendment passed.

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

A recess was called at 9:00 p.m.

The City Commission went back into open session at 9:13 p.m.

Motion was made by Dahl, second by Hall, to approve Resolution No. 2989, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LEASE WITH MATT SMITH, D/B/A/ SMITH STUDIOS FOR LEASE OF EAST SIDE SCHOOL'S GYMNASIUM. All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to direct the City Manager to write a letter to Montana Power Corporation indicating the City's intention to use acorn style historic lighting in conjunction with the Chinook Street Project.

Commissioner Mikesell's and Commissioner Dahl's questions were the cost of the new lights. Supt. of Public Utilities Clint Tinsley answered the City Commission's questions.

City Manager Golnar summarized that the Infrastructure Committee's recommendation is to begin upgrading street lighting in the community in conjunction with infrastructure projects that are associated with streets and underground utilities. Chinook Street is the first project in the line of many which will be developed by the infrastructure program.

Mr. Golnar stated that the Street Light Maintenance District is proposed to go up in FY 99-2000 to cover increased monthly costs for street light installation and service on Chinook Street.

Ms. Dahl questioned if the City would ever own the lights. Mr. Golnar stated not with the option the City is proposing to take. Mr. Golnar went on to say, that if Montana Power owns the lights, they would have to repair or replace any problem lights.

More discussion was heard concerning this issue with staff and the Commissioners.

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

Motion was made by Dahl, second by Mikesell, to approve payment of the Angel Line match amount of \$8,550. All in favor. Motion passed.

City Manager Golnar summarized a memo he wrote to the Park Commissioner's last year, regarding the false alarm to fees. Mr. Golnar feels that the County has

desensitized the alarm system as discussed in the memo, he recommended that the City Commission waive the fees.

Motion was made by Spanning, second by Mikesell, to waive the false alarm fees from last summer for the total amount of \$1,125.00.

Discussion was heard about the one other false alarm at the building.

An amendment to the motion was made by Mikesell, second by Dahl, to pay the current false alarm bill in the amount of \$25 and send the County a letter stating that from this point on there will be no waiving of these fees.

All in favor of the amendment. Amendment passed.

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

The following Department Head monthly reports and other minutes were included for the Commissioner's information:

- Finance Monthly Report, March 1999 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, March 1999
- Livingston Fire Department Monthly Report, March 1999
- Police Department Monthly Report, March 1999
- City Judge Monthly Report, March 1999
- Code Enforcement Monthly Report, March 1999
- Recreation Monthly Report, March 1999
- Library Minutes, February 18, 1999
- Library Director's Monthly Report, February 1999
- Sister City Committee Minutes, February 17, 1999

The following City Manager Comments were included for the Commission's information:

- Personnel Matters:
  - Brad Haefs appointed as full time Code Enforcement Officer as of April 1, 1999.
  - Jason Sarisky is the new full time Police Officer effective May 1, 1999.
- Cemetery pump repairs initiated;
- Supt. of Public Utilities requested to initiate Y2K preparations for portable generator and wiring project for wells and liftstations;
- Sister Cities Update;
- Toyota television commercial to be filmed in Livingston on April 20<sup>th</sup>.  
Discussion was heard about complaints from local businesses on parking. City Manager Golnar reported that he will be getting with the Chamber of Commerce to involve them and any other applicable organizations to review the movie policy. Commissioner Dahl stated that she would like to be on the committee;
- Grants Update:
  - Included in the packet was a draft CDBG Technical Assistance Grant Application that is due by the end of the month.

- Included was a letter to sent Senator Max Baucus from Patricia Graybow, encouraging assistance in promoting Livingston's access to DLS Cable to high tech industries.
- An ESRI partial software grant was received which will enable the City to being work on a Geographic Information System.
- The 1<sup>st</sup> quarter 1999 Impact Monitoring Report for the Stillwater Mining Company's East Boulder Project was received which showed 78 project related employees and their families living in Livingston;
- The Baseball Association has raised concerns about dog droppings in the baseball fields during the regular season. Mr. Golnar reported that this will be on the next Commission agenda along with voice command with dogs;
- Detention Committee meeting minutes were included. Fred Hall and Pat Mikesell volunteered to met with City representative Bob Jovick, City Manager Golnar and the Police Chief on this subject;
- Section 205 Study. A meeting is tentatively scheduled for May 10<sup>th</sup>, 2:00 p.m. to begin discussions of project development;
- Oktoberfest Special Events Application is being reviewed. City Commissioner Hall stated his concerns on charging admission.

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

April 17 <sup>th</sup>	Fire Training Downtown
April 19 <sup>th</sup>	5:00 p.m. – Park County Economic Development Committee
April 19 <sup>th</sup>	7:00 p.m. – City Commission Meeting
April 20 <sup>th</sup>	National Weather Service Presentation and Report on Snow Pack Conditions; <i>Community Room</i>
April 24 <sup>th</sup>	Fire Training Downtown
April 26 <sup>th</sup>	6:30 p.m. – Dispatch Study Group Meeting
April 27 <sup>th</sup>	4:00 p.m. – Angel Line Meeting
April 27 <sup>th</sup>	7:00 p.m. – 911 Budget Meeting; <i>City Court Room</i>
April 28 <sup>th</sup>	4:00 p.m. – Infrastructure Committee; <i>Utility Building</i>
April 28 <sup>th</sup>	7:00 p.m. – City Commission Budget Workshop; <i>Community Room</i>
April 28 <sup>th</sup>	7:00 p.m. – Town Meeting on Flood Mitigation; <i>District Court Room</i>
April 29 <sup>th</sup>	7:00 p.m. – Community Oriented Policing Meeting; <i>City Court Room</i>
May 1 <sup>st</sup>	8:00 p.m. – Midnight – 4 <sup>th</sup> Annual Policeman's Ball; <i>Livingston Golf and Country Club</i>
May 3 <sup>rd</sup>	7:30 p.m. – City Commission Meeting
May 3-14	Annual Spring Clean-Up (no call backs or extra pickups will be allowed)
May 4 <sup>th</sup>	4:30 p.m. – Special City/County Meeting to review Dispatch Study Group Report and Proposals
May 5 <sup>th</sup>	4:30 p.m. – City/County Meeting
May 7 <sup>th</sup>	6:30 p.m. – Y2K Panel; <i>Credit Union</i> (Golnar to be on Panel)
May 10 <sup>th</sup>	2:00 p.m. – 5:00 p.m. – Section 205 Study; <i>West Room</i>
May 13 <sup>th</sup>	1:00 p.m. – DARE Graduation; Park County Fairgrounds
May 17-July 12	(Mondays) Grass Clippings will be picked up at curbside
May 17 <sup>th</sup>	RFP's for Old East Side School Due back to the City
May 19 <sup>th</sup>	LEPC Public Hearing on Y2K; <i>Community Room</i>

Commissioner Mikesell mentioned an article in the Livingston Enterprise about keeping the levee for one year. City Manager Golnar reported that there has been no formal

word from the State or FEMA as of yet for how long the FEMA Presidential Disaster Assistance would be extended, but that he doubted that the deadline would be extended beyond 9/30/99 by FEMA.

Commissioner Mikesell mentioned that while he was at the State Bowling Convention in Bozeman, he overheard some people talking about soccer in Sacajawea Park and that they would never come back with their kids to play because of the goose poop in the Park.

Commissioner Spannring would like the City Manager and City Attorney to start the zoning process for the decency issue. City Attorney Bruce Becker stated that he is already working on that.

Commissioner Hall reported that a car has rolled off the North side hill on 2<sup>nd</sup> Street. Supt. of Public Services Ken Kastelitz stated that he is looking into jersey rail for this area.

No public comments were heard.

Chairman Doyle stated that the City Commission would now go into executive session, that the merits of individual privacy exceed the merits of public disclosure. The Commission went into closed session for personnel matters. The time was 10:16 p.m.

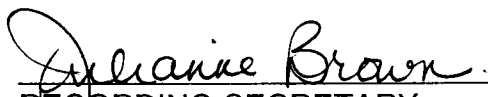
The Commission came back into open session at 11:10 p.m.

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

The time was 11:10 p.m.

ATTEST:

APPROVED:

  
 \_\_\_\_\_  
 RECORDING SECRETARY

  
 \_\_\_\_\_  
 CHAIRMAN OF THE COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
May 3, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, May 3, 1999 at 7:30 p.m. in the Community Room at the City/County Building. City Commissioner's present were Bill Spannring, Vice Chair Sheryl Dahl, Fred Hall and Pat Mikesell. Chairman Mike Doyle was absent.

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

- Approve April 19, 1999 Regular City Commission Meeting Minutes.
- Accept the Bills and Claims that listed for \$72,411.73.
- Approve Bid Recommendation for 1999 Street Materials.
- Approve Livingston's Junior Women's Club Proposal to Move Forward with a Community Improvement Project for M Street Park.
- Approve City Participation in Change Order #2 for City/County Complex Roofing Project in the Amount of \$2,394.

All in favor. Motion passed.

Vice Chair Dahl proclaimed Saturday, May 8, 1999 as National Food Drive Day in the City of Livingston.

Vice Chair Dahl proclaimed May 16 – 22, 1999 as Emergency Medical Services Week in the City of Livingston.

Vice Chair Dahl asked City Planner Jim Woodhull to give the background information on the Tecca Minor Subdivision that was provided through an addendum.

Mr. Woodhull stated that the City Commission has previously approved this subdivision, but it is before the Commission again as the applicant now wishes to do the same project but in a different location on the parcel.

Motion was made by Mikesell, second by Spannring, to approve the Tecca Minor Subdivision with the following two stipulations:

1. 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,

2. The final plan must meet all requirements of the City of Livingston landscaping ordinance.

All in favor. Motion passed.

Motion was made by Mikesell, second Spannring, to approve Resolution No. 2990, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH DAMSCHEN & ASSOCIATES, INC. FOR SOLID WASTE COLLECTION SYSTEM STUDY. Commissioner Fred Hall requested further input on what management's intentions were once the study was accomplished. Mr. Hall felt that if the current system was working fine, why change it.

Supt. of Public Services Ken Kastelitz and City Manager Steve Golnar explained that a new truck was going to be needed within the next year or so and that by having this study undertaken at this time, it would give the City better information on which direction to take. It was stated that the main focus of the study would be to move towards automation.

It was clarified for Mr. Hall that automation was not necessarily a foregone conclusion, but that an analysis of our existing solid waste collection operation and alternatives were recommended before we invest additional capital dollars into the status quo.

Vice Chair Dahl stated that she would like recycling looked closely into with this study.

Mr. Hall requested that staff be involved in the study of the collection system and insure that a workable and cost effective solution is arrived at. Mr. Golnar noted that the City Commission would be involved in a review of findings and preliminary recommendations before any conclusion is arrived at also.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve first reading of Ordinance No. 1886, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE BY ADOPTING BY REFERENCE THE UNIFORM HOUSING CODE, 1997 ADDITION.

All in favor. Motion passed.

City Manager Golnar summarized on a 1999 Montana Girls State Softball Championship Special Event request that is being hosted by the Livingston Baseball Association on July 9<sup>th</sup> through July 11<sup>th</sup>, 1999.

Mr. Golnar also reported that dog droppings have been identified as a concern in the playing field areas and suggested that the City Commission consider posting the playing fields as inaccessible to dog traffic during the baseball season.

Baseball Association representative Loni Hartung was present to answer any questions and request that bikes and dogs be controlled within the baseball complex.

Staff and the Commission responded to Ms. Hartung that the Baseball Association could make the signage and enforce no bikes in the baseball complex within the Association.

Motion was made by Spannring, second by Mikesell, to approve the Girls State Softball Special Event request per the City Manager's recommendations and to let City Manager and staff handle regulation of bicycle and dog control. This was to include whatever the Manager saw fit, whether it was signage in the park for people not walking their dogs in this area or people picking up their dogs droppings.

If a resolution is needed to cover the dogs in the baseball complex, the City Manager is to bring it back before the Commission.

An amendment to the motion was made by Hall, second by Spannring, that the camping is limited to RV's only on the gravel area behind the Civic Center and eliminate any outside tent camping, fires, etc.

All in favor of the amendment. Amendment passed.

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

City Manager Golnar summarized a Special Events application request from the Oktoberfest Committee for the 8<sup>th</sup> Annual Event on September 25<sup>th</sup>, and the fact that there is a change in the organization of the event promotions this year. Present to answer any questions that the Commission had were Lolain Dobbs, Dan Kaul and David Waylander. The issues that were identified and discussed with City Staff and the Oktoberfest Committee at an earlier meeting included:

1. Julie Brown and Ken Kastelitz will stay involved with the Oktoberfest Committee in an advisory capacity;
2. The City will provide additional Police protection and Fire and Ambulance Service will be available as needed;
3. The City will provide dumpsters in the morning and remove them in the evening as well as provide street sweeper at the conclusion of the event;
4. The City will take care of the street closure with the State, and the City will block off the streets as needed;
5. The request for a period of one year, that the insurance requirements remain as in previous years is not acceptable and alternatives are being evaluated.
6. The City will receive proceeds from table rental's resulting from those booth holders requiring tables;
7. Review of activities and future arrangements after the event; and,
8. Request for waiver of open container law in the barricaded area.

Motion was made by Hall, second by Mikesell, to approve the City Manager's following four recommendations:

1. Authorize the 8<sup>th</sup> Annual Oktoberfest 1999 festivities to proceed contingent upon approval of the County Sanitation officer and acquisition of special events liability insurance;
2. Authorize staff to request closure of Park Street for September 25<sup>th</sup>;
3. Waive the open container law for the event within the barricaded area; and,

4. Waive the \$100 street closure fee for this initial year of new organization for the event.

All in favor. Motion passed.

The following City Manager Comments were provided for the Commission's information:

- A letter to the County on waiving false alarm fees was delivered;
- A Wildlife Relocation Program has been planned for relocation of the geese in Sacajawea Park in June. Vice Chair Dahl stated that Manager needs to get a lot of PR going to inform the citizens that the geese will not be hurt;
- Municipal office filing will be from May 3<sup>rd</sup> through July 1<sup>st</sup>, 1999;
- The Heating, ventilating and air conditioning maintenance with Honeywell has been terminated;
- A April 28, 1999 memo in regards to the Legislative impact on revenue generation;
- The Community Development Block Grant Technical Assistance Grant has been revised and submitted as of April 30<sup>th</sup> to the State.
- Detention Committee update. City Manager Golnar invited the Commission to meet with City Representative Bob Jovick. Meetings were to be arranged.

The following calendar of events and activities were provided for the Commission's information:

May 1 <sup>st</sup>	8:00 p.m. – Midnight – 4 <sup>th</sup> Annual Policeman's Ball; <i>Livingston Golf and Country Club</i>
May 3 <sup>rd</sup>	7:30 p.m. – City Commission Meeting
May 3-14	Annual Spring Clean-Up (no call backs or extra pickups will be allowed)
May 4 <sup>th</sup>	4:30 p.m. – Special City/County Meeting to review Dispatch Study Group Report and Proposals
May 5 <sup>th</sup>	10:00 a.m. – Transportation Study Orientation Meeting w/Consultant; <i>Room to be Announced</i>
May 5 <sup>th</sup>	4:30 p.m. – City/County Meeting
May 7 <sup>th</sup>	6:30 p.m. – Y2K Panel; <i>Credit Union</i> (Golnar to be on Panel)
May 10 <sup>th</sup>	2:00 p.m. – 5:00 p.m. – Section 205 Study; <i>West Room</i>
May 10 <sup>th</sup>	7:00 p.m. – Budget Workshop; <i>Community Room</i>
May 12 <sup>th</sup>	Applications due for Police Commission and Historic Preservation Commission.
May 13 <sup>th</sup>	1:00 p.m. – DARE Graduation; Park County Fairgrounds
May 17 <sup>th</sup>	7:30 p.m. – City Commission Meeting
May 17-July 12	(Mondays) Grass Clippings will be picked up at curbside
May 17 <sup>th</sup>	RFP's for Old East Side School Due back to the City
May 19 <sup>th</sup>	LEPC Public Hearing on Y2K; <i>Community Room</i>

Commissioner Hall hopes that the City Commissioner's will attend the Dispatch Study Group meeting on the following day, May 4<sup>th</sup> at 4:30 p.m.

Vice Chair Dahl stated that she would like to see any trees or shrubs saved with the Bike Path project.

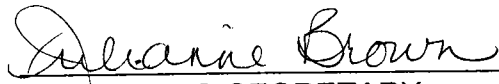
Toby Udem provided City Planner Jim Woodhull with an application requesting street vacation adjacent to his property. Mr. Woodhull reported to Mr. Udem that this request would go before the Development Review Committee and a recommendation will be on the City Commission agenda for May 17<sup>th</sup>'s meeting.

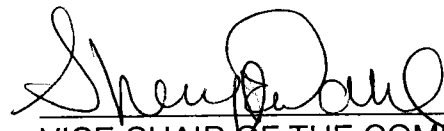
Motion was made by Mikesell, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 8:20 p.m.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
RECORDING SECRETARY

  
\_\_\_\_\_  
VICE CHAIR OF THE COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
May 17, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, May 17, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioner's present were Mike Doyle, Pat Mikesell, Bill Spannring and Fred Hall. Commissioner Sheryl Dahl was absent.

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

- Approve May 3, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$65,665.33.
- Approve Manager's Nomination of Toni Atwood to the Police Commission.
- Authorize Change Order #3 City/County Complex Roof in the amount of \$1,000.

All in favor. Motion passed.

Chairman Doyle proclaimed Friday, May 28, 1999 as American Legion Auxiliary's Poppy Day in the City of Livingston.

A public hearing was held on second reading of Ordinance No. 1996, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 6 OF THE LIVINGSTON MUNICIPAL CODE BY ADOPTING BY REFERENCE THE UNIFORM HOUSING CODE, 1997 ADDITION.

No public comments were heard. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Elane Wilbert at 416 S. 11<sup>th</sup> Street, from the side setback requirement for RII zoning districts. Ms. Wilbert wishes to build a garage onto her home which would be approximately eight (8) inches from the side property line. Code requires a five (5) foot side setback.

Contractor Robin Wesman addressed the Commission on Ms. Wilbert's behalf.

Motion was made by Spannring, second by Hall, to accept findings of fact as stated on page 32 of the Commission packet to disapprove this request.

Concerns heard from the Commission pertained to the fire wall safety.

After more discussion, Commissioner's Spannring and Hall withdrew their motion.

Motion was Spanning, second by Hall, to accept the finding of facts of the City Board of Adjustment on page 31 of the Commission packet. All in favor. Motion passed.

Motion was made by Mikesell, second by Spanning, to accept the Wilber variance on the condition that the Building Inspector makes sure that construction provides for a one hour fire wall is on the exterior of the building and a one hour rating on the inside. All in favor. Motion passed.

City Planner Woodhull gave background information on a variance request from Doug and Mary Mackaman at 416 S. 10<sup>th</sup> Street, from the front setback requirement for RII zoning districts. The Mackaman's wish to build an addition onto their house, which would be approximately eighteen (18) feet from the front property line. Code requires a twenty-five (25) foot front setback.

Motion was made by Spanning, second by Mikesell, to accept the Board of Adjustment's finding of fact for this variance at 416 S. 10<sup>th</sup>. All in favor. Motion passed.

Motion was made by Spanning, second by Mikesell, to accept the Mackaman variance request. All in favor. Motion passed.

City Planner Woodhull gave background information on a variance request from David Kemp at the corner of Gallatin and 11<sup>th</sup> Streets, from the front and side setback requirements for RII zoning districts. Mr. Kemp wishes to build a new house, which would be approximately ten (10) feet from the front property line and five (5) feet from the side adjacent to a street. Code requires a twenty-five (25) foot front setback and a ten (10) foot setback on a side adjacent to a street.

Motion was made by Mikesell, second by Spanning, to accept staff's finding of fact on this variance.

The City Commission questioned Planner Woodhull of the differences between the Board of Adjustments recommendation and staff's. Mr. Woodhull explained.

The vote on finding of fact was three in favor. Hall opposed. Motion passed. Motion was made by Spanning, second by Mikesell, to accept this variance according to staff.

Commissioner Hall commented further on this variance request. More discussion was heard by the Commission. Mr. Kemp was present to comment and answer questions. Rick Young addressed the Commission in opposition to the variance request.

The vote on approving the variance was three in favor. Hall opposed. Motion passed.

Motion was made by Mikesell, second by Spanning, to approve Resolution No. 2991, Resolution No. 2991, 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. All in favor. Motion passed.

Motion was made by Mikesell, second by Spanning, to approve Resolution No. 2992, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,

MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT FOR CIVIC CENTER REMODELING WITH CHARLES PILUSO. City Manager Steve Golnar answered questions asked by the Commission and stated that this was a budgeted item for the Civic Center this year.

All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to approve Resolution No. 2993, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO VACATE A PORTION OF UNDEVELOPED NORTH "D" STREET FROM ITS INTERSECTION WITH GALLATIN STREET NORTH A DISTANCE OF 130 FEET. Discussion was heard questioning if the City charged for vacating street property. Mr. Golnar responded that the only fee charged was the application fee. City Attorney Bruce Becker stated that the City does not own the property, just an easement over it and State Statutes provides that the City can charge a reasonable fee for processing an application, but no provision for charging for a street right of way. It was noted that when a street is vacated, property owners on both sides of the street acquire the property.

Mr. Toby Udem addressed the Commission.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2994, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH JAMES E. SNYDER, ARCHITECT, P.C. FOR DISPATCH ROOM AND CITY OFFICES REMODELING. City Manager Golnar reported on this item.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve first reading of Ordinance No. 1887, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1744 AS CODIFIED IN CHAPTER 4, SECTION 4-40 AND 4-41 OF THE LIVINGSTON MUNICIPAL CODE REQUIRING DOGS TO BE ON VOICE COMMAND IN MILES PARK, PROHIBITING DOGS FROM ENTERING THE BASEBALL/SOFTBALL COMPLEX AND REQUIRING DOG FECES TO BE CLEANED UP. City Manager Golnar gave background information on this item and answered questions from the Commission. Loni Hartung of the Baseball Association addressed the Commission concerning dog droppings and dogs within the complex. Ms. Hartung also asked the Commission if bike riding could be banned from within the complex.

Three in favor of the Ordinance as written, Mikesell opposed. Motion passed.

Motion was made by Hall, second by Mikesell, to reconsider Resolution No. 2990.

Discussion was heard concerning the Solid Waste Study that was passed at the previous Commission meeting. City Commissioner Hall stated his concerns feeling that the current solid waste collection system was highly efficient and would like the management to be more clear on what the goal of this study was, as he questioned the



need for it. City Manager Golnar explained. Discussion was heard with the Commission and Manager.

The Commission stated that it would be nice to have a meeting with the consultant after he assesses the situation, but this is up to the Manager.

The vote on reconsidering was four opposed. Motion died.

Initial comments from the County relating to the proposed Interlocal Agreement to provide insurance on the City/County Complex was provided to the City Commission for their review. City Manager Golnar reported that he has asked the City Attorney to review these comments with MMIA prior to seeking to finalize an agreement with the County at a future City Commission meeting.

Motion was made by Mikesell, second by Hall, to direct the City Manager to send a letter to the County Commissioner's requesting County sponsorship of the Section 205 Livingston Area Structural and Non-Structural Flood Plain Management Study.

City Commission comments were heard. City Manager Golnar suggested that a local task force be formed once the response from the County regarding co sponsorship is determined.

All in favor. Motion passed.

The following Department Head monthly reports and other minutes were included for the Commission's information:

- Finance Monthly Report, April 1999 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, April 1999
- Livingston Fire Department Monthly Report, April 1999
- Police Department Monthly Report, April 1999
- City Judge Monthly Report, April 1999
- Water and Sewer Metered Revenues Monthly Report, April 1999
- Code Enforcement Monthly Report, April 1999
- Recreation Monthly Report, April 1999
- Building Inspector Monthly Report, March & April 1999
- Library Minutes, March 18 & 25, 1999
- Library Director's Monthly Report, March 1999

Supt. of Public Utilities Clint Tinsley explained to Commissioner Mikesell why the sewer revenues were so far off.

The following City Manager comments were included for the Commission's information:

- Police Department Related Issues:
  - The Bike Patrol should start as soon as the weather clears up. Officer Sarisky is trained to perform bike patrol and Office Quillen will attend training for this service later in the summer.

Police Chief Steve McCann noted that his department is one man short of officers.

- ▶ Officer Quillen has completed his one year probation period and has been appointed to full time status.
  - ▶ Police Department public relations have been discussed with the Police Chief and the Manager is coordinating individual meetings with the Chief and various Commissioners to ensure that everyone understands what is being done and is expected.
- Geese Relocation public Relations – Mr. Golnar feels that the most appropriate thing for the City to do, is to wait until there is additional information from Mr. Hoover before issuing any press releases.
  - Mr. Golnar has been informed by Mr. Bob Weimer that the American Legion is very interested in having a parade in early July in association with the American Legion Convention that will be held in Livingston – Mr. Weimer will be provided with a Special Events Policy.
  - Transportation Study Schedule was provided for the Commission's information. An additional public meeting will be held on May 26, 1999 at 7:00 p.m. in the Community Room at the City/County Building to gather information for the initial survey.
  - Grants Status:
    - ▶ City Manager Golnar has sent a letter to the Livingston Ditch Company regarding the City's continuing concern to the covering of the ditch. Mr. Golnar has volunteered to work with the Ditch Company to seek a grant for additional funding assistance.
    - ▶ Mr. Golnar reported that the CDBG-TA Grant for East Livingston was under review by the Department of Commerce.
  - City Manager Golnar will write a letter to the County inquiring if they would be interested in participating in a Geographic Information System with the City.
  - City Manager Golnar expounded on Dispatch related issues. Mr. Golnar identified that more budget discussions were needed.
  - Budget Related Items:
    - ▶ City Manager Golnar has thanked the School District for paying \$5,000 for the tennis court improvements to be undertaken in FY 99-2000. Mr. Golnar reported that he has asked for additional funding.
    - ▶ Health Insurance will cost the same in FY 99-2000 as it did in FY 98-99.

- Levee Removal Plans – A May 13, 1999 letter was received from Ellen Woodbury and Randy Taylor identifying that they would like to have the levee removed in Park County by October 15, 1999. Mr. Golnar will be sending a letter to FEMA and copying the Country Club's Attorney identifying their concerns about having the Golf Course area repaired after removal of the levee. A draft request for proposals for engineering services was provided separately to the City Commission.
- A note from a customer who had a heart attack and was pleased by the service of the Livingston Fire/EMS.
- Discussion was heard concerning a possible site for a Detention Facility. The City has identified the following sites: Old East Side School, Old Water Plant, and behind City Shop, and land by the Armory. The County has identified as possible sites: land by the Old Poor Farm and the entrance to the County Landfill. City Manager Golnar will draft a letter to Dan Gutebier relaying the City Commissions position that the Old East Side School property should be seriously considered as a Detention Facility sit.

The following calendar of events and activities was provided for the Commission's information:

May 17 <sup>th</sup>	7:30 p.m. – City Commission Meeting
May 17-July 12 (Mondays)	Grass Clippings will be picked up at curbside
May 17 <sup>th</sup>	RFP's for Old East Side School Due back to the City
May 19 <sup>th</sup>	LEPC Public Hearing on Y2K; <i>Community Room</i>
May 20 or 21	Natural History Exhibit Hall Opening/Reception with Chinese
May 22 <sup>nd</sup>	Sister Cities Garage Sale; <i>Fairgrounds</i> (Please contact Pat Mikesell with any donations)
May 24 <sup>th</sup>	7:00 p.m. – Budget Workshop; <i>Community Room</i>
May 25 <sup>th</sup>	1:00 p.m. – Movie Policy Review, <i>Utility Building</i>
May 26 <sup>th</sup>	7:00 p.m. – Community Oriented Policing; <i>City Court Room</i>
May 26 <sup>th</sup>	7:00 p.m. – Transportation Study, Public Meeting; <i>Community Room</i>
May 31 <sup>st</sup>	6:00 p.m. – Naganohara Adult Cultural Exchange Representatives Arrive
June 1 <sup>st</sup>	Sister Cities Cultural Tour of City
June 2 <sup>nd</sup>	4:30 p.m. – City/County Meeting; <i>County Commissioners Chamber</i>
June 7 <sup>th</sup>	7:30 p.m. – City Commission Meeting; <i>Community Room</i>
Municipal office filing will be from May 3 <sup>rd</sup> through July 1 <sup>st</sup> , 1999	

Commissioner Spannring stated that he has received comments from several citizens as to why the City Commission's term of office is not staggered.

Commissioner Spannring commented that the water in the Livingston Ditch is a safety concern to him.

Commissioner Mikesell mentioned an incident that happened to him the previous week, and highly recommended that everyone purchase a tiny fire hydrant for their vehicles.

Commissioner Hall asked the City Manager to draft a memo to the County Commissioners on behalf of the Dispatch Group and include discussion of Sweet Grass County joining in with the our dispatch as part of any joining in with the Detention Center.

Chairman Doyle thanked City Manager Golnar and Parks Foreman Eddie Miller for showing up to the Skate Park meeting. Mr. Doyle stated that another meeting will be scheduled in the first week in June with the focus of the meeting to be on maintenance costs for a proposed facility and getting together with staff.

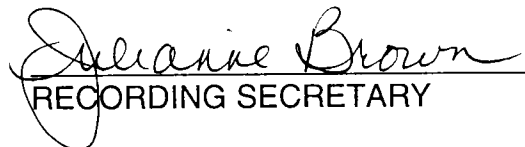
No public comments were heard.

The City Attorney evaluation will be rescheduled for the next City Commission meeting.

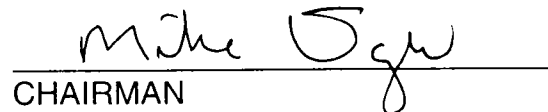
Motion was made by Mikesell, second by Hall, to adjourn this meeting there being no further business. Motion passed.

The time was 9:15 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN

LIVINGSTON  
CITY COMMISSION MEETING  
June 7, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 7, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spannring, Sheryl Dahl, Fred Hall and Mike Doyle.

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

- Approve May 17, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims that listed for \$68,282.91.
- Approve Livingston Baseball Association's Request for a Memorial Plaque on the Little League Majors Field.
- Mark's In & Out Classic Car Show Special Event, June 19 & 20, 1999.
- American Legion Parade Special Event, July 10, 1999.
- Chamber of Commerce Parade Special Event, July 2, 1999.
- Approve Fencing Upgrade of Legion Baseball Field Subject to Staff Review.

City Manager Golnar explained the fencing upgrade at the American Legion baseball field. Staff answered questions that were brought up by the Commission. It was noted that a lot of the repairs at the Legion Field are done by the American Legion Baseball Team.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1887, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1744 AS CODIFIED IN CHAPTER 4, SECTION 4-40 AND 4-41 OF THE LIVINGSTON MUNICIPAL CODE REQUIRING DOGS TO BE ON VOICE COMMAND IN MILES PARK, PROHIBITING DOGS FROM ENTERING THE BASEBALL/SOFTBALL COMPLEX AND REQUIRING DOG FECES TO BE CLEANED UP. No public comments were heard. Comments and concerns were heard by members of the Commission.

An amendment to the ordinance was made by Mikesell, second by Dahl, that during the baseball season dogs not be allowed, but after the season dogs are allowed into the area, but never on the playing field and their feces be cleaned up no matter what time of the year it is in that area.

City Manager Golnar asked for clarification of the playing field. Supt. of Public Services Ken Kastelitz stated that along with baseball, there is also football, soccer practices and the school uses the fields for PE programs year around.

More discussion was heard with staff and Commission members.

The vote on the amendment was Mikesell and Dahl in favor. Hall, Doyle and Spannring opposed. Amendment failed.

The vote on second reading of the ordinance was Hall, Doyle and Spannrng in favor. Mikesell and Dahl opposed. Motion passed.

A public hearing was held on Resolution No. 2995, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, VACATING A PORTION OF UNDEVELOPED NORTH "D" STREET FROM ITS INTERSECTION WITH GALLATIN STREET NORTH A DISTANCE OF 130 FEET. Motion was made by Spannrng, second by Hall, to approve this resolution.

No public comments were heard.

Commissioner Dahl stated her concerns about future trails, and vacating City property and would like to see a checklist established to ensure these concerns are covered.

City Manager Golnar questioned what it would take to do a trail study. City Planner Jim Woodhull answered.

Mr. Golnar stated he would work on a checklist.

All in favor. Motion passed.

Motion was made by Hall, second by Mikesell, to approved Resolution No. 2986 , A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 178; DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO IN THE APPROXIMATE AMOUNT OF \$222,000 THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND.

City Planner Woodhull answered questions of the Commission. All in favor. Motion passed.

Motion was made by Dahl, second by Spannrng, to approve Resolution No. 2996, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE FINANCE OFFICER TO CLOSE OUT FUND 4100 FIRE TRUCK/BOND PROCEEDS AND TRANSFER MONEY. All in favor. Motion passed.

Motion was made by Spannrng, second by Hall, to approve Resolution No. 2997, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH THE LEAGUE OF CITIES AND TOWNS FOR HEALTH INSURANCE COVERAGE FOR FY 99-00. All in favor. Motion passed.

Discussion was heard on a proposal from Gabriella Green for rental of the old Eastside School. Ms. Green addressed the Commission and stated she would like to lease the Eastside School for an Eastside Community Center.

Ms. Green stated that she knew that there was conversation about the Eastside School being used for the proposed Detention Center and would like the City to let her know by August whether or not the City was interested in her proposal.

City Manager Golnar reported to the Commission that he was looking into the appraised value of the building and what the cost of demolition was.

No further action was taken at this time.

Points and concerns about the proposed plan to move toward an independent Dispatch by January 1, 2000 were reviewed.

Commissioner Dahl stated that the City is moving too fast and that the City should wait to see what comes out of the Detention Center Planning efforts by the County and also wait for another budget season.

More discussion was heard. It was suggested that one or two people from the Police Department should go to Utah to see their Detention facility to get their opinion.

City Fire Chief Robert Schmidt and Rural Fire Chief Bob Fry requested that a meeting be set between the Livingston Fire/Ambulance and Park County Rural Fire Departments for discussion of joint operation of volunteers and an immediate response to structure calls within a 5 mile radius of city limits. This meeting was set for Monday, June 14, 1999 at 6:30 p.m. with the City Commission as long as the other entities could attend this meeting as well.

The following City Manager comments were included for the Commission's information:

- Officer Sarisky has begun bike patrol while the weather has been good;
- Transportation Related Activities:
  - A public meeting was held on May 26, 1999 on the Transportation Study. The preliminary report/public hearing is scheduled for September 1, 1999 with the final report scheduled for October 1, 1999.
  - The entrance to Pamida was discussed on Friday, June 4, 1999 with John Tecca, Rob Bukvich, Ken Kastelitz and Steve Golnar.
  - A summary of City streets to be overlaid and chip sealed were included for the Commission's information. The 1999 Street Program will be published in the Livingston Enterprise and Park County Weekly.
- The Baseball Association apologized for ordering weed spraying on some of the softball and little league fields with limited notice and indicated they would coordinate better in the future.
- The Section 205 Study Initial Meeting minutes dated May 10, 1999 were provided for the Commission.
- City Manager Golnar is waiting for a response back from the Corps of Engineers and DNRC on the request for proposals regarding levee removal.
- Sweet Grass County Related Communication:
  - City Manager Golnar sent a letter to the Sweet Grass County Commissioners requesting possible coordination with Livingston and Park County for dispatch services and participation in Dispatch Center discussions.

- Included was a informational letter from Sweet Grass County from the Stillwater Mining Company regarding the location of the single status Mineral Employee Facility.
- Grants Status:
  - The CDBG Technical Assistance Grant Application was received by the Department of Commerce and is under review.
  - The CDBG Revolving Loan Program County Application should be awarded by the end of the month.
- City Manager Golnar reported that the City is in the process of helping the Park County Economic Development Corporation search for a new Executive Director. He will keep in the Commissioner's updated.
- Calendar of Events and Activities:
 

June 7 <sup>th</sup>	6:30 p.m. – Budget Workshop, City Commission; <i>Community Room</i>
	7:30 p.m. – City Commission Meeting; <i>Community Room</i>
June 8 <sup>th</sup>	5:00 – 7:00 p.m. – Economic Development Retention/Expansion Survey Review
June 9 <sup>th</sup>	4:30 p.m. – City/County Meeting; <i>County Commissioners Chamber</i>
June 10 <sup>th</sup>	Dept. of Commerce Legislative Update; <i>Bozeman</i> – Shirley Ewan and Steve Golnar
June 21 <sup>st</sup>	7:30 p.m. – City Commission Meeting; <i>Community Room</i>
June 22 <sup>nd</sup>	5:30 p.m. – Park County Economic Development Corporation Annual Meeting and Expansion Retention Survey Results Unveiling; <i>Yellowstone Motor Inn</i>
June 30 <sup>th</sup>	4:00 p.m. – Infrastructure Committee Meeting; <i>Utility Conference Room</i>

Bill Srigley of 9<sup>th</sup> Street Island, Drive #1, addressed the City Commission to see if the City was interested in working with him to keep the levee in place, as he is trying to protect his property across the river. Mr. Srigley feels that there are other ways than rip rapping along the river.

City Manager Golnar will add Mr. Srigley's name to his list of contacts regarding the 205 Study for levee removal.

Commissioner Hall commented that he hoped the decision on the Detention situation is a done deal by January 1, 2000.

Mr. Hall directed a comment to Commissioner Dahl, informing her that there could be a possibility to surround an old building with a new building.

Mr. Hall would like to get some technical expertise involved in the Detention Center sooner rather than later.

Commissioner Hall stated that the Soroptimist Flower Pots have been planted with flowers and commented to the City Manager that the downtown streets and gutters are dirty and need to be cleaned. Mr. Hall questioned why community service help could not sweep the downtown business district.



Commissioner Hall stated that he would not vote for a City Commission pay raise and would see the pay raise go for something else.

Commissioner Spannring agreed with everything that Commissioner Hall stated.

Commissioner Spannring commented that Ms. Green's proposal for a Cultural Center is a wonderful idea, but the City needs the property.

Commissioner Mikesell agreed with everything that Commissioner's Hall and Spannring stated.

Commissioner Mikesell questioned the pool of water by the entrance to Pamida due to the rains over the past weekend and if this was going to effect the Bike Path as it goes through there. Mr. Golnar stated that was discussed with the engineer and Mr. Tecca, and with the installation of the Bike Path (as it will be raised) should solve some of the drainage problems in the area.

Commissioner Dahl agreed with the other Commissioners and did not want a raise.

Chairman Doyle mentioned that the Skate Park Committee has been rescheduled until the next Wednesday, June 16<sup>th</sup> at 6:30 p.m. Mr. Doyle asked that the Finance Officer and City Manager go to the meeting.

City Manager Golnar reported that there is an Economic Development Retention/Expansion Survey review tomorrow, June 8<sup>th</sup> from 5:00 p.m. – 7:00 p.m. in the Community Room. Mr. Golnar invited any Commissioners that are interested to attend. A summary of the survey results were provided to the Commissioners.

Chairman Doyle called for a recess at 9:50 p.m. The meeting then went back into open session at 10:00 p.m.

The City Commission reviewed and evaluated the City Attorney in open session.

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:

APPROVED:

  
\_\_\_\_\_  
RECORDING SECRETARY

  
\_\_\_\_\_  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

June 21, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 21, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell and Sheryl Dahl. Commissioner Bill Spanning arrived at 7:42 p.m.

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

- Approve June 7, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$164,439.72.
- Approve Legion Baseball Associations Request to Construct Announcer Addition on to Concession Building in Jack Weimer Park.

Four in favor. Motion passed.

Chairman Doyle proclaimed June 25 – July 4, 1999 as Rodeo Days in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance request from Cheryl Cavey at 822 W. Geysler. Ms. Cavey wishes to replace the current garage, which would be approximately four (4) feet from the front property line and one (1) foot from the side property line. Code requires a twenty-five (25) foot front setback and a five (5) foot side setback.

The City Board of Adjustments and staff recommends approval of the variance. Motion was made by Dahl, second by Mikesell, to approve staff's finding of fact. Four in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve this variance. Four in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 2998, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING INTERLOCAL AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION (MDOT) FOR TRANSPORTATION STUDY. Four in favor. Motion passed.

City Manager summarized discussions from the joint City/County Rural Fire Service meeting that was held on June 14, 1999. Mr. Golnar stated that the City Reserve Firefighter's would like to continue receiving the \$45 monthly compensation from the City rather than going to the Rural Fire Retirement System at this time. Mr. Golnar stated that the necessity to move quickly on merging the two Fire Departments was not

necessary by July 1, 1999 as the major reason for that deadline was to allow City volunteer firefighters the opportunity to join Rural Fire's Retirement system.

Mr. Golnar reported to the Commission that he still had a number of questions and concerns relating to the pooling of the two departments' volunteers and immediate response to structure fires by City Fire crews within five miles of the City limits and requested that the City Commission not act on this proposal until further discussed.

Discussion and concerns were heard from the City Commission, City Fire Chief and Bill Moran, Chairman of the Rural Fire Board.

A meeting between the City Commission, County Commission and Rural Fire Board was scheduled for July 26, 1999 at 7:00 p.m.

No action was taken.

Motion was made by Hall, second by Spanning, to waive the building permit fee for the announcer addition on the concession building at Jack Weimer Park.

Bob Weimer spoke on behalf of the American Legion. Commission comments were heard. Commissioner Dahl stated that the City needs to establish a policy for the waiving of building permits.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to direct the City Attorney to prepare a contract for a Grabow Hotel revolving loan, not to exceed \$19,300 at 7% interest for 18 months. All in favor. Motion passed.

City Manager Golnar summarized on a special event request by AWARE, Inc. and Gallatin Valley Bicycle Club for a kiddies race and sprint race proposed to be held on July 24, 1999 from 6:00 p.m. – 8:00 p.m.. The proposed location is Main Street from the High School to Lewis Street. They are asking that street traffic be controlled but not closed. Mr. Golnar stated that this event request has been reviewed by the Department Heads. No representation of these two groups were present.

Motion was made by Mikesell, second by Dahl, to grant the special event for the bike race on July 24<sup>th</sup>. All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve the City Manager's draft letter of the City's intent to move forward with an independent dispatch, to the County Commissioners.

City Manager Golnar reported that the Police Chief, two dispatchers and a couple jailers have gone to Nephi, Utah to look at the Detention Facility and to bring back a hands on recommendation of their experience there.

All in favor. Motion passed.

The following Department Head monthly reports and minutes were provided for the Commission's information:

- Finance Monthly Report, May 1999 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, May 1999
- Livingston Fire Department Monthly Report, May 1999

Police Department Monthly Report, May 1999  
City Judge Monthly Report, May 1999  
Water and Sewer Metered Revenues Monthly Report, May 1999  
Code Enforcement Monthly Report, May 1999  
Recreation Monthly Report, May 1999  
Building Inspector Monthly Report, May 1999

The following City Manager comments were provided for the City Commission's information:

- City Manager Golnar stated that he provided the City Commission a letter to the Editor before the meeting, clarifying the dog ordinance in Miles Park.
- City Manager Golnar included the City's Policy on sale of merchandise on streets or sidewalks as questioned by a Commissioner.
- Levee Removal Status – confirmation has been received from Jim Anderson with the Department of Disaster and Emergency Services, that FEMA has provided a written extension of funding until the end of September for levee removal funds.
- Section 205 Study Status – the County's response was "no" for participation in the Section 205 Study. The City Commission was in favor of the City moving forward. Verbal notice has been received from Senator Baucus's office, that \$150,000 of funding has been incorporated into the Federal appropriations bill for the upcoming Federal fiscal year. Mr. Golnar will be writing a letter requesting clarification and assistance from the Yellowstone River Task Force for coordination, cooperation and assistance with the City's Section 205 Study.
- Mr. Golnar gave an update on the status of the Detention Committee. A group of local officials will be touring the Nephi Utah detention center from June 20<sup>th</sup> – 22<sup>nd</sup>. Mr. Golnar stated that the County is not interested at this time in pursuing the assistance of a consultant architectural/engineer. Commissioner Hall also commented on this issue.
- Mr. Golnar summarized in the packet, his understanding of current status of unified dispatch discussions from the City/County meeting.
- Mr. Golnar is still working on a way to accomplish community service to clean up the downtown area.
- Mr. Golnar provided the City Commission with a copy of the currently used application for street/alley vacations. Commissioner Dahl asked that something be added to the bottom of the application which addressed the relationship between the vacation request and any City recreation plan as well as addressing the question of any required access for City crews.
- Project Updates:
  - Chinook Street Project for paving curb and gutter will be awarded on July 19<sup>th</sup>. Completion of the project is anticipated to take place in August and September.
  - Street overlays are underway.

- Chip sealing will be accomplished in late July and August. Roto millings are still being waited for from the MT DOT.
- Chairman Doyle gave an update of the Skate Board park Committee and is hoping to have a recommendation at the next meeting.
- Budget Status:
  - The Finance Officer and City Manager attended a legislative actions and BARS workshop with the Dept. of Commerce on June 10<sup>th</sup>.
  - A review/preview of the Solid Waste Budget for the County was held on June 17<sup>th</sup>.
- Other Information:
  - The State fuel tax allocations are down for the City of Livingston by approximately \$6,000 this year.
  - The City Manager has received information on purchasing electric through the League of Cities and Towns and has provided the Commission with this information.
  - City Manager Golnar will be preparing a revised spread sheet for the General Fund budget based on the changes that occurred at the recent City/County meeting. Mr. Golnar stated that his intentions are to still provide a budget to the City Commission for passage in August with the potential for amending when necessary.
- The City did not receive funding for either the CDBG Technical Assistance Grant or the Forest Service Technical Assistance Grant for the East Park Street Project. City Manager Golnar has forwarded these applications to MRL's Property Management's Division with a request for assistance.
- The City Commission was in favor of revising the City Attorney's contract to extend his term through July 1, 2000. Commissioner Dahl stated that she strongly supports a City Commission staggered term of office.
- A copy of the City and Park County Environmental Commission's comments to the State regarding the BN Cleanup site are available in the City Manager's office.
- Calendar of Events and Activities
 

June 21 <sup>st</sup>	7:30 p.m. – City Commission; <i>Community Room</i>
June 22 <sup>nd</sup>	2:00 p.m. – Montana League of Cities and Towns District Legislative Meeting; <i>Bozeman City Hall</i>
June 24 <sup>th</sup>	(early am) – Wildlife Relocation Program – <i>Sacajawea Park</i>
June 30 <sup>th</sup>	4:00 p.m. – Infrastructure Committee Meeting
July 5 <sup>th</sup>	Holiday – City Offices Closed
July 6 <sup>th</sup>	7:30 p.m. – City Commission Meeting
July 7 <sup>th</sup>	4:30 p.m. – City/County Meeting

Commissioner Spannring commented that he missed the discussion of the joint City Fire/Rural Fire proposal, but stated that people need to keep in mind long term change and to come with a positive attitude.

Commissioner Dahl thanked City employee Sandy Wulf for her time and effort on the great City newsletter she recently put out.

Commissioner Dahl questioned when the streets and crosswalk in front of the City/County Building would be painted and striped. It was reported that tape striping will be received by the 1<sup>st</sup> of July.

Commissioner Dahl stated her Dispatch Service concerns.

Commissioner Mikesell was recently asked why garbage to the businesses cannot be picked up during the holiday weekend as they accumulate so much garbage.

Kenneth Shelly from the Rural Fire Department and a city resident addressed the City Commission regarding the proposed joint City Fire/Rural Fire issue.

Bob Weimer addressed the City Commission on the possibility of adding on to the existing City/County building for more room for a Detention Facility.

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

The time was 8:52 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

July 6, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, July 6, 1999 at 7:30 p.m. City Commissioners present were Bill Spannring, Sheryl Dahl, Fred Hall and Mike Doyle. Commissioner Pat Mikesell was absent.

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

- Approve June 21, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for FY 98-99.
- Accept Bills and Claims for FY 99-2000.
- Approve Special Event for Shirley Beyerly Cancer Fund.
- Approve Operating Transfer in the Amount of \$3,000 from General Fund to Law Enforcement Joint Equipment Fund as of June 30, 1999.

All in favor. Motion passed.

A public hearing was held on Resolution No. 3003, A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 178; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. Chairman Doyle stated that this public hearing would be extended until the next regular City Commission meeting as the advertisement date on the public notice read July 5, 1999, which was a City holiday.

Public comment was heard from Veronica Day. Staff answered questions for Ms. Day and Chairman Doyle suggested that she contact staff during the day to answer her questions further.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 2999, 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. All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 3000, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO EXTENDING THE PROFESSIONAL

SERVICES CONTRACT WITH WESTERN CONSULTING INC., F/K/A SCOTT NELSON ENGINEERING, FOR COMPLETION OF S.I.D. NO. 178. All in favor. Motion passed.

Motion was made by Hall, second by Dahl, to approve Resolution No. 3001, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CHANGE ORDER NO. 1 FOR THE BICYCLE/PEDESTRIAN PATH. City Manager Golnar explained the change order for the Commission and identified that it would cost \$1,400.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 3002, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, EXTENDING CONTRACT WITH CITY ATTORNEY TO MAKE CONTRACT COINCIDE WITH MUNICIPAL FISCAL YEAR. All in favor. Motion passed.

Chairman Doyle read the titles to Ordinance No. 1888, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE AMENDING THE TERMS OF OFFICE FOR CITY COMMISSION FROM TWO YEARS TO FOUR YEAR AND PROVIDING THAT THE TERMS-BE OVERLAPPING INSTEAD OF CONCURRENT; and,

Ordinance No. 1888 A, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE AMENDING THE TERMS OF OFFICE FOR CITY COMMISSION FROM TWO YEARS CONCURRENT TERMS OF OFFICE TO TWO YEAR OVERLAPPING TERMS OF OFFICE.

City Attorney Bruce Becker noted two changes to the ordinances, under Terms of Commission Members, should read, "...commenced following the 2001 election..."; and under Effective Date should read, "...held on November 6, 2001, with the City Commissioners being sworn in January, 2002.

Motion was made by Hall, second by Dahl, to approve first reading of Ordinance No. 1888 A.

City Commissioner comments were heard about being in favor of this ordinance. All in favor. Motion passed.

One bid was received for a ladder truck from Wellspring Emergency Products, Spokane Washington, in the amount of \$444,943.00. Fire Chief Robert Schmidt is requesting to place this issue on the November 1999 ballot for a General Obligation Bond.

City Manager Golnar reported that the City cannot afford the lease purchase program proposed by the manufacture and also questions the legality of it. Mr. Golnar recommended that no action be taken until the City receives notification from the bidder that the price for this equipment will remain the same until after the November election if it were to be placed on the ballot. Mr. Golnar would also like to research the City's debt capacity before making a final recommendation.



Questions pertaining to the condition of the current 1963 ladder truck were heard from the Commission. Chief Schmidt replied that with the current truck, the ladder is certified but that the pump was bad and cannot be certified.

Further discussion was heard. Direction from the Commission was to have the truck re-bid at some point, look into the staggering of fire equipment, look at what the last 10 years percent of voter turn out has been during a City election and bring back a resolution to the next meeting to place this issue on the November ballot.

Motion was made by Dahl, second by Hall, to accept the Infrastructure Committee's recommendation to purchase street lights in conjunction with the Infrastructure Upgrade Program and direct the Street Lighting Maintenance District to be increased by \$15,000 per year.

Discussion was heard concerning the street lighting maintenance district. Commission Dahl stated that she would like to see the breakdown in cost per lot.

All in favor. Motion passed.

Motion was made by Dahl, second by Spanring, to appoint City Commissioner Fred Hall as the City's representative to the Livingston/Park County Communications Advisory Committee.

City Manager Golnar explained this appointment.

All in favor. Motion passed.

Motion was made by Hall, second by Spanring, to appoint City Commissioner Sheryl Dahl as the City's representative to the Livingston 205 Study Task Force.

City Manager Golnar explained this appointment.

All in favor. Motion passed.

The following City Manager Comments were included for the City Commission's information:

- Goose relocation was a success. Mr. Golnar reported that it is not necessary to budget for this activity for next year and stated that staff will be reducing some of the nests.
- City Building Inspector Taylor Pierson has reached his certification for mechanical inspections.
- Firefighter's recognized – Captain Pat Wagman, Firefighter Dave McCann and Firefighter Chris Bruha have been recognized for their efforts and crews response to a recent accident on 89 South that included 18 patients.
- HRDC Housing Project Update – A public hearing will be set in August for a HOME grant application as part of the financing for HRDC's acquisition of the Miles building.
- Livingston Levee Removal Engineering Requests for Proposals have been distributed.
- Upper Yellowstone River Task Force Status Report – Mr. Golnar encouraged the City Commission to attend a July 15, 1999 public meeting at the Yellowstone Motor Inn at 7:00 p.m.

- Montana Rail Link identifies interest in East Park Street Project. A letter from MRL was in Friday's Enterprise.
- Detention Center Committee status. Also, this item will be on the proposed City/County Meeting agenda.
- Park County Retention/Expansion Survey summary. Mr. Golnar noted that one more section is to be added which will summarize the opinions of businesses surveyed about Livingston as a place to locate a business based on locational criteria.
- Calendar of Events and Activities:
  - July 5<sup>th</sup>      Holiday - City Offices Closed
  - July 6<sup>th</sup>      7:30 p.m. – City Commission Meeting
  - July 7<sup>th</sup>      4:30 p.m. – City/County Meeting
  - July 8<sup>th</sup>      5:30 p.m. – Park County Economic Development Corporation Annual Meeting – Sport Restaurant, Back Room
  
  - July 15<sup>th</sup>     7:00 p.m. – Upper Yellowstone River Task Force – Cumulative Impacts Study Detailed Review – Yellowstone Motor Inn
  
  - July 19<sup>th</sup>     7:30 p.m. – City Commission Meeting
  - July 27<sup>th</sup>-29<sup>th</sup> Corps of Engineers in town to begin Section 205 Study
  - July 28<sup>th</sup>     4:00 p.m. – Infrastructure Committee Meeting
  - Aug 2<sup>nd</sup>      7:30 p.m. – City Commission Meeting
  - Aug 9<sup>th</sup>      7:30 p.m. – Budget Hearing

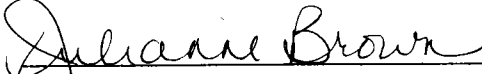
Chairman Doyle commended Taylor Pierson for receiving his mechanical certification.

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

The time was 8:50 p.m.

ATTEST:

APPROVED:

  
 \_\_\_\_\_  
 RECORDING SECRETARY

  
 \_\_\_\_\_  
 CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

July 19, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, July 19, 1999 at 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring and Fred Hall. Commissioner Sheryl Dahl arrived at 7:32 p.m.

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

- Approve July 6, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for FY 98-99.
- Accept Bills and Claims for FY 99-2000.
- Award 1999 Fuel Bid.
- Approve Park High School Homecoming Parade, September 24, 1999 at 3:20 p.m.
- Approve City Planner to Initiate a Text Amendment through the Zoning Commission.
- Approve Contribution of Up to 2.2% of City's CTEP Allocation for 18 Months to Funding of a Montana Main Street Pilot Program.

Four in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from the front setback requirement for RI zoning districts for Gregory and Darla Berumen of 110 Altair Drive. The Berumen's wish to build a front deck onto their home approximately thirteen (13) feet from the front property line. Code requires a twenty-five (25) foot front set back.

City Planner Woodhull noted that a quorum was not present at the Board of Adjustment meeting and no comments in opposition to the variance request was received at that time.

Motion was made by Hall, second by Dahl, to accept the finding of fact to support approval on page 38 of the packet. All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve the Berumen's variance request. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from the front setback requirement for RII zoning districts for Michael and Toni Atwood of 810 W. Crawford. The Atwood's wish to build an addition onto their home approximately twenty-one and one half (21 ½) feet from the front property line. Code requires a twenty-five (25) foot front setback.

City Planner Woodhull noted that a quorum was not present at the Board of Adjustment meeting and no comments in opposition to the variance request was received at that time.

Comments and discussion was heard from Staff and the Commission. Adjacent property owner, Co Englehart addressed the City Commission with the concern that the new addition could collapse his sewer line. The sewer line runs through the Atwood property and Mr. Englehart questioned who would be responsible for replacing it.

It was noted that there is no easement on file for Mr. Englehart's sewer line on the Atwood property.

Motion was made by Spannring, second by Hall, to approve the finding of fact to support approval on page 45 of the packet. The vote was Spannring, Hall and Mikesell in favor, with Dahl and Doyle opposed. Motion passed.

Motion was made by Spannring, second by Hall, to approve the Atwood's variance request. The vote was Spannring, Hall and Mikesell in favor, with Dahl and Doyle opposed. Motion passed.

Commissioner Dahl explained to the Atwood's why she voted in opposition.

City Planner Woodhull gave background information on a variance request from the front setback requirement for RII zoning districts for Lyle and Clara Gillard, property owners to Lot 10A, Highground Subdivision #2. The Gillard's wish to build a new home on the vacant lot approximately ten (10) feet from the front property line. Code requires a twenty-five (25) foot front setback.

City Planner Woodhull noted that a quorum was not present at the Board of Adjustment meeting and no comments in opposition to the variance request was received at that time.

Commission discussion was heard concerning the allowing of variances on new construction.

Motion was made by Dahl, second by Mikesell, to approve the finding of fact to support disapproval on page 50 in the packet. Four in favor, Spannring opposed. Motion passed.

Motion was made by Dahl, second by Hall, to deny the Gillard variance request. Four in favor. Spannring opposed. Motion passed.

A public hearing continued from last meeting on Resolution No. 3003, A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 178; CREATING THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND AND ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE. No public comments were heard.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 3003. Four in favor, Mikesell opposed. Motion passed.

A public hearing was held on second reading of Ordinance No. 1888A, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR AN ELECTION ON THE BALLOT ISSUE AMENDING THE TERMS OF OFFICE FOR CITY COMMISSION FROM TWO YEARS CONCURRENT TERMS OF OFFICE TO TWO YEAR OVERLAPPING TERMS OF OFFICE. No public comments were heard. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3004, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RETAINING DORSEY AND WHITNEY AS BOND COUNSEL FOR S.I.D. #178 AND AUTHORIZING CITY MANAGER TO SIGN RETAINER AGREEMENT. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3005, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RETAINING D.A. DAVIDSON & CO. TO SELL BONDS FOR S.I.D. #178 AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT. All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3006, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING ACTING CITY MANAGER TO SIGN AGREEMENT WITH BIG SKY ASPHALT FOR THE CHINOOK STREET RECONSTRUCTION PROJECT. All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 3007, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO LEVY AN ADDITIONAL 2 MILLS FOR THE SUPPORT OF THE AMBULANCE SERVICE IF APPROVED BY THE ELECTORS AT A REGULARLY SCHEDULED ELECTION. All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3008, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTENANCE FOR 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 1999-2000 AND CALLING A PUBLIC HEARING THEREON. Finance Officer Shirley Ewan stated that this years valuation is the same as last year. All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to approve Resolution No. 3009, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING ACTING CITY MANAGER TO SIGN AGREEMENT WITH MSE-HKM ENGINEERING FOR ENGINEERING THE REMOVAL OF LIVINGSTON LEVEE.

Extensive discussion was heard concerning the timing of the request for proposals, where the budget for the project is, and where the money is coming from to pay for the project, over and above what FEMA will pay. Also discussed was the number of other levees up and down the river that are not being forced to be removed and members of the Commission felt that the State was singling them out to remove the City's levee.

Dahl called the question, second by Spannring, with the vote being four in favor, Hall opposed. Motion passed.

The vote on the main motion was four in favor, Hall opposed. Motion passed.

Motion was made by Dahl second by Hall, to approve the draft letter to the County Commissioners on the Detention Center process.

Commissioner Hall explained why he supports the letter and that he looked up and copied 74 architects from around the country and would like this list as an attachment to the letter. Commissioner Dahl commented that local architect Larry Raffety recently built the Boulder Detention Center. Mr. Hall commented that all local and statewide architects should receive proposals.

All in favor. Motion passed.

Discussion was heard concerning a number of complaints that have been received on the condition of the property located at 607 W. Chinook. Property owner Vince Schaeffer was present and addressed the Commission. Mr. Schaeffer stated that whatever action the City did take, they needed to look at other businesses in town for compliance so that he is not singled out. Mr. Schaeffer suggested that a possible solution would be for him and his neighbors to work this out between themselves.

The Commission commented that there were ordinances in the books and that they should be enforced.

No other action was taken.

Discussion was heard concerning the drafting of an ordinance to prohibit motor vehicles on the Bike/Pedestrian Path. Mike Small of T,D&H Engineering addressed the Commission stating that the path will be signed and striped. City Attorney Becker will start drafting an ordinance.

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

- Finance Monthly Report, June 1999 (provided separately)
- Livingston Fire/Ambulance Accounts Receivable Monthly Report, June 1999
- Livingston Fire Department Monthly Report, June 1999
- Police Department Monthly Report, June 1999
- City Judge Monthly Report, June 1999
- Water and Sewer Metered Revenues Monthly Report, June 1999
- Code Enforcement Monthly Report, June 1999
- Recreation Monthly Report, June 1999
- Building Inspector Monthly Report, June 1999
- Library Minutes, April 15, 1999

Library Minutes, May 20, 1999

The following calendar was provided for the Commissions information:

July 28 <sup>th</sup>	9:00 a.m. – Section 205 Study Meeting; <i>Community Room</i>
July 28 <sup>th</sup>	10:00 a.m. – Solid Waste Study Meeting; <i>Utility Building</i>
Aug 2 <sup>nd</sup>	7:30 p.m. – City Commission Meeting

Supt. of Public Utilities Clint Tinsley stated that the Infrastructure Committee meeting is canceled.

Commissioner Mikesell stated that the bike path was a great idea and that a lot of people are using it.

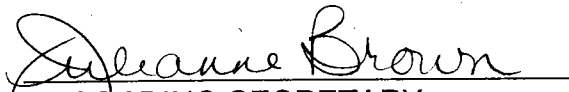
No public comments were heard.

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

The time was 9:32 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

August 2, 1999  
7:30 p.m.

The Livingston City Commission met in regular session, Monday, August 2, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spanning, Sheryl Dahl, Fred Hall, and Mike Doyle.

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

- Approve July 19, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for FY 98-99.
- Accept Bills and Claims for FY 99-2000.
- Appointment to Historical Preservation Committee of Doug Lobaugh.
- Approve Special Event Request for Church Picnic on 8-15-99.

Commissioner Dahl questioned if the City was named on the church policy as additional insured. City Manager Golnar stated that he will look into it.

An amendment to the motion was made by Dahl, second by Mikesell, to pull claim #963966 to Western Consulting in the amount of \$14,380 from the FY 99-2000 bills and claims list. All in favor of the amendment. Amendment passed.

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

A public hearing was held on Resolution No. 3011, 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 1999-2000.

One comment was heard from Jerry Seby who jointly owns a 16.47-acre parcel near the Highground Subdivision. Mr. Seby stated that this is an undeveloped parcel with no road through the property and that this was an unfair assessment of this property. Letters were received in opposition to the assessment from joint property owners Nanette P. Begg, James B. Rogers and Jerrold N. Seby.

Commissioner Dahl stated that she was in disagreement with the staff's report, which was in support of the assessment of the whole parcel.

Mr. Seby stated that the Branding Iron Subdivision and 3 Baldwin lots were not taxed and it was confirmed by staff that these parcels are also in the city limits.

Discussion was heard from staff and the Commission. City Manager Golnar will review the other lots mentioned and bring back his findings to the Commission. Ms. Dahl reported to Mr. Seby that all protests received are reviewed on an annual basis and if a parcel assessment is reduced, the adjustment is not made until the following year.

Motion was made by Spanning, second by Dahl, to approve Resolution No. 3011. All in favor. Motion passed.



Motion was made by Spannring, second by Dahl, to approve Resolution No. 3012, 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 1999-2000 ESTIMATED TO BE IN THE AMOUNT OF \$45,000.00 AND CALLING FOR A PUBLIC HEARING THEREON. All in favor. Motion passed.

Motion was made by Hall, second by Spannring, to approve Resolution No. 3013, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY STREET LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS THEREIN WITH ENERGY EFFICIENT STREET LIGHTS IN CONJUNCTION WITH THE CITY'S 5 YEAR STREET IMPROVEMENT PLAN, ESTIMATING THE COST OF REPLACING SAID LIGHTS, 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 1999-2000 ESTIMATED TO BE IN THE AMOUNT OF \$15,000.00 AND CALLING FOR A PUBLIC HEARING THEREON.

Commissioner Mikesell questioned the number of households this would entail. City Manager Golnar stated it was the same as the Street Lighting District.

The vote was four in favor, Mikesell opposed. Motion passed.

Motion was made by Dahl, second Hall, to approve Resolution No. 3014, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH WESTERN CONSULTING INC., FOR PHASE II OF THE CHINOOK STREET RECONSTRUCTION PROJECT.

All in favor. Motion passed.

City Manager Steve Golnar reported that another Street Maintenance District protest letter was received earlier in the day from Nilah Tracy, power of attorney for Ethel R. Phillips who property is located at 1601 E. Lewis Street. Mrs. Tracy is protesting assessments from 1996, 1997 and 1998.

Commission Dahl pointed out that the City only reviews protests received year to year and does not go to back years. The Commission directed the City Manager to respond back to Mrs. Tracy.

Motion was made by Dahl, second by Spannring, to approve first reading of Ordinance No. 1889, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING THE CRIME OF DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE UPON THE PEDESTRIAN/BICYCLE PATH AND PROVIDING THE PENALTY FOR VIOLATION THEREOF and to include the prohibiting of horses upon the pedestrian/bicycle path on second reading of this ordinance.

The vote was four in favor, Doyle opposed. Motion passed.

Motion was made by Spanring, second by Hall, to approve first reading of Ordinance No. 1890, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ITS FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 BY INCLUDING STREET LIGHT REPLACEMENT IN CONJUNCTION WITH STREET IMPROVEMENTS.

Supt. of Public Utilities Clint Tinsley explained this plan for the Commission. All in favor. Motion passed.

A request from the Park County Sheriff to participate in the Missouri River Drug Task Force for the City's share of \$4,107.25 was discussed. City Manager Golnar reported that Police Chief Steve McCann is interested in participating.

City Commissioners stated that it is still premature to make a commitment at this time. No action was taken.

The status of the levee removal project was reviewed. City Manager Golnar passed out a proposed levee removal budget to the Commission. Engineer Jim Braley was also present.

Mr. Golnar stated that FEMA has given him a verbal "no" to extending the removal of the levee-funding deadline beyond September 30, 1999. Commissioner Hall stated that he would be willing to petition the District Court for an injunction so that the City's levee could be included in the comprehensive studies of the river and flood plain currently being undertaken by the Upper Yellowstone River Task Force, The Corps of Engineers and the City of Livingston.

Commissioner Dahl stated that she wants to see in writing what FEMA will pay and also, what happens if no contractor's respond to the City's request for bids for the removal of the levee.

Extensive discussion and comments were heard.

Motion was made by Hall, second by Spanring, to pursue the following course: 1) The City of Livingston seeks an injunction against the State, keeping them from enforcing the flood plain law until the general river studies are completed and there is some sort of comprehensive solution for all construction along the Yellowstone River; 2) As part of that injunction, the City should attempt to coordinate with the Country Club on legal claims; 3) The City should draft and pursue obtaining from the neighbors across the river old harmless agreements to be exchanged between the City and private owners; and, 4) The City shall open a letter writing campaign to the two senators and outline the situation, pointing out the amounts of money that is going to be spent and see what their comments are.

More Commission comments were heard. Mr. Hall stated that his motion was not to change the process that is currently going on with the levee removal, but to work in parallel with it.

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

City Manager Golnar stated that the next item on the agenda, authorizing the City Manager to sign a petition for controlled groundwater area to the Department of Natural Resources and Conservation, will be deferred until the next meeting.

The following City Manager Comments were provided for the Commission's information:

- Sister Cities Exchange Update.
- Budget Status – City Manager Golnar will seek to have the preliminary budget submitted to the City Commission at their August 16<sup>th</sup> meeting with the public hearing to be held on Tuesday, September 7<sup>th</sup> and the final budget adoption at the September 20<sup>th</sup> meeting. The City does not expect to receive the final mill levy information from the State until the 2<sup>nd</sup> week in September. Mr. Golnar provided the Commission a budget packet in preparation to the City/County meeting separately. A budget workshop was scheduled for 7:00 p.m. on August 11<sup>th</sup>. Additional discussion was heard concerning where money would come from for levee removal. Members of the Commission were in agreement with Mr. Hall that any additional money that the City needs to come up with to pay for levee removal should come out of the General Fund. The Manager was asked to present the Commission with funding options for how the City's portion of the levee removal funds should be paid for at their August 11<sup>th</sup> meeting.
- Bike Path final inspection is scheduled for the week of August 2<sup>nd</sup>. Commissioner Mikesell questioned if painting of the pedestrian crossings across streets which the bike path crossed were planned, the Manager said he would investigate.
- City Manager's Main Street Program CTEP support letter.
- Park County Environmental Council letter to Department of Environmental quality regarding continued work at Mission Wye for this filed season.
- Office Jason Sarisky receives commendation.
- Stillwater Mine impact 2<sup>nd</sup> quarter 1999.
- Calendar of events and activities:
 

August 2	7:30 p.m. – City Commission Meeting
August 3	8-10 p.m. – Upper Yellowstone River Task Force; <i>Yellowstone Motor Inn</i>
August 4	4:30 p.m. – City/County Meeting; <i>County Commissioners Chamber</i>
August 4	6:00 p.m. – City Manager Dinner with New International Relations Coordinator
August 4	6:30 p.m. – Skate Park Meeting; <i>West Room</i>
August 5	12:30 – 4:30 p.m. – Sister Cities Tour with Educational Exchange Students
August 5	7:00 p.m. – Sister Cities Welcome Ceremonies; <i>Park High School Cafeteria</i> (activities enclosed)
August 10	10:00 a.m. – Transportation Coordinating Committee; <i>Community Room</i>
August 12	6:00 p.m. – Dinner with International Relations and President of Sister Cities Committee
August 13	7:00 p.m. – Sister Cities Farewell Party; <i>Sacajawea Park</i>
August 16	7:30 p.m. – City Commission Meeting
August 25	4:00 p.m. – Infrastructure Committee Meeting; <i>Utility Building</i>
Sept 1	4:30 p.m. – City/County Meeting;
Sept 6	Labor Day Holiday – City Offices Closed
Sept 7	7:30 p.m. – City Commission Meeting

Sept 20 7:30 p.m. – City Commission Meeting  
Sept 22,23,24 Montana League of Cities and Towns Convention; *Bozeman*  
Sept 25 Oktoberfest

Commissioner Bill Spanring stated that he has received a number of complaints regarding the auto repair shops and questioned if the City was doing anything about it? City Manager Golnar responded that parking as a whole is being looked into and he will come back to the Commission with a recommendation. Police Chief McCann stated that he is trying to come up with something consistent for all problem areas.

Commissioner Hall followed up to Mr. Spanring's comments and stated that J & J Towing had a number of vehicles parked illegally and the Police responded to clear up the problem.

Commissioner Hall asked that the Police Chief pass on the City Commission's commendation to Officer Sarisky for his good work.

Commissioner Hall requested that the City Manager have the temporary Chinook Street bypass between North B and North C Streets on the railroad right of way be graded.

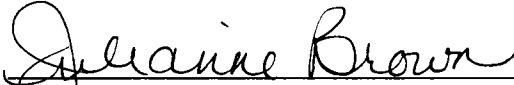
No public comments were heard.

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

The time was 9:20 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

August 16, 1999  
7:30 p.m.

The Livingston City Commission met in regular session, Monday, August 16, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spannring, Fred Hall and Mike Doyle. Commissioner Sheryl Dahl arrived at 7:40 p.m.

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

- August 2, 1999 Regular City Commission Meeting Minutes.
- Bills and Claims that listed for \$120,756.05 and \$750.99.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Margot Kidder owner of property located at 315 W. Lewis. Ms. Kidder is requesting a variance from the fence height requirement for RII zoning districts as she wishes to maintain a six (6) foot high fence that is currently in her front yard. Code allows a Maximum fence height of four (4) feet in a front yard.

Margot Kidder addressed the City Commission on her behalf to maintain the six foot high fence. John Fryer spoke on behalf of the Historic District. Judy Hochmuht, Harlin Durgan and Karen Blackwood spoke in opposition to the variance request. Letters received by the City include; Ms. Kidder, in favor; and, Larry & Ellie Raffety, Jean Sandberg, Debby Bull and Karen Blackwood as opposed.

Motion was made by Spannring, second by Dahl, to approve staff's finding of fact. All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to deny this variance request. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1889, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PROHIBITING THE DRIVING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE UPON THE PEDESTRIAN/BICYCLE PATH AND PROHIBITING HORSES FROM BEING UPON THE PEDESTRIAN/BICYCLE PATH AND PROVIDING THE PENALTY FOR VIOLATIONS THEREOF. No public comments were heard.

An amendment to the motion was made by Hall, second by Dahl, to strike out on page one, the third whereas; "the path was not constructed to bear the weight of horses and". All in favor of the amendment. Amendment passed.

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

A public hearing was held on second reading of Ordinance No. 1890, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ITS FIVE (5) YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 BY INCLUDING STREET LIGHT REPLACEMENT IN CONJUNCTION WITH STREET IMPROVEMENTS. No public comments were heard.

City Manager Golnar stated that he will address the withdrawal requests that have previously been heard and report the Commission in the next couple meetings.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3018, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY STREET LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS THEREIN WITH ENERGY EFFICIENT STREET LIGHTS IN CONJUNCTION WITH THE CITY'S 5 YEAR STREET IMPROVEMENT PLAN, ESTIMATING THE COST OF REPLACING SAID LIGHTS, AND OF ITS INTENT TO LEVY AND ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 1999-2000 ESTIMATED TO BE IN THE AMOUNT OF \$17,100.00 AND CALLING FOR A PUBLIC HEARING THEREON. All in favor. Motion passed.

A public hearing was held on Resolution No. 3016, 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 SAID COSTS FOR FISCAL YEAR 1999-2000 ESTIMATED TO BE IN THE AMOUNT OF \$ 45,000.00. No. public comments were heard.

Motion was made by Mikesell, second by Dahl, to approve this resolution. All in favor. Motion passed.

Background information was provided to the Commission by City Planner Woodhull for approval of a text amendment in residential uses in commercial zones.

Motion was made by Dahl, second by Mikesell, to approve this text amendment and add the following footnotes to Table 30.40 List of Uses:

- 1) CBD – Any number of apartment units may be established in existing commercial building. No new residential structures may be built unless they meet the definition of “high Density Residential”.
- 2) Neighborhood Commercial – A single residential unit may be established within a commercial building to allow living space for a business owner.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 3015, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF LIVINGSTON, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN THE

AMOUNT OF FOUR HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$445,000) FOR THE PURPOSE OF ACQUIRING FIRE FIGHTING EQUIPMENT CONSISTING OF A 75 FOOT LADDER TRUCK AND RELATED EQUIPMENT AND A QUINT, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3010, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, ACKNOWLEDGING RECEIPT OF PRELIMINARY BUDGET AND GIVING NOTICE OF A PUBLIC HEARING FOR SEPTEMBER 7, 1999, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 1999-2000.

City Manager Golnar reported on the changes to the City Commission. Mr. Golnar stated that he will follow up on the questions that were asked at the City/County meeting.

A public hearing will be held at the September 7<sup>th</sup> Commission meeting with the final adoption of the budget at the September 20<sup>th</sup> meeting.

All in favor. Motion passed.

Motion was made by Dahl, second by Spanring, to stop the injunction and move forward with the levee removal. All in favor. Motion passed.

Motion was made by Mikesell, second by Spanring, to approve Resolution No. 3017, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON AUTHORIZING CITY MANAGER TO SIGN AGREEMENT FOR REMOVAL OF LIVINGSTON LEVEE.

City Manager Golnar estimated that the City of Livingston would have to pay approximately \$28,000 for the levee removal, with the City budgeting \$50,000. The estimated reimbursement amount from FEMA to pay was 75% with the State paying 25% of FEMA eligible costs. These percentages included engineering costs estimated to be repaid to the City in addition to construction costs.

City engineer for the levee removal project, Jim Braley of MSE-HKM Engineering, Inc., was present to answer any questions and to provide any clarification. Mike Adkins of MACPE, Inc. was also present to answer Commission questions.

All in favor. Motion passed.

Chairman Doyle who is also the Chairman to the Skate Park Committee, reported that the committee is recommending G Street Park as the site for the Skate Park. Laurie Bishop and Jim Snyder addressed the Commission on behalf of the Skate Park Committee. Citizens living within the G Street Park area, Henry Steckler, Elton Dodge and Bill Shannon spoke in opposition to the G Street site.

Discussion was heard concerning noise levels and the congestion in the alley and street access to G Street Park.

The Skate Park Committee will take the comments heard at this meeting under consideration and will look further for other possible sites. No action was taken.

The City Commission considered a request from the Town of Clyde Park to purchase Fire Truck #31 from the City of Livingston. Commissioners were in favor of considering this request. City Manager Golnar will find a third party to give an estimate on what the selling price of the fire truck should be.

Motion was made by Dahl, second by Mikesell, to authorize the City Manager to sign a petition for controlled groundwater area to the Department of Natural Resources and Conservation. All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to appoint Chairman Mike Doyle as an additional City of Livingston representative to the Park County Detention Committee. All in favor. Motion passed.

More discussion was heard about possible Detention Center locations. City Manager Golnar suggested that the Development Review Committee come up with Detention Center sites within or near the city limits.

The following Department Head monthly reports were provided for the Commissions information:

Finance Monthly Report, July 1999 (Unavailable)  
Livingston Fire/Ambulance Accounts Receivable Monthly Report, July 1999  
Livingston Fire Department Monthly Report, July 1999 (Unavailable)  
Police Department Monthly Report, July 1999  
City Judge Monthly Report, July 1999  
Water and Sewer Metered Revenues Monthly Report, July 1999 (Unavailable)  
Code Enforcement Monthly Report, July 1999  
Recreation Monthly Report, July 1999  
Building Inspector Monthly Report, July 1999

The following City Manager Comments were provided for the Commission's information:

- Clarification on resolution establishing policy for City Commission regarding waiver of building permit fees. The Commission stated they would like to establish a policy which allowed for no waivers.
- Response to Street Maintenance District protest. City Manager Golnar stated that staff is still researching the protests and he will provide the Commission with his recommendations in the future.
- Missouri River Drug Task Force request for funding for FY 99-2000. It was noted that this is in the proposed budget and is also dependent upon City/County budget negotiations which are still on going.
- Bike/Pedestrian Path Status. City Manager Golnar reported there is a proposed change order for delineators separating the path from roads that will be presented at a future meeting. No action was taken at this meeting.
- City/County Agreement for disposition of surcharge to finance local Victim/Witness Programs requested for City Attorney. Mr. Golnar stated that



the City Attorney will prepare a proposed agreement for City Commission consideration at a future meeting.

- Oktoberfest Coordinator resigns. City Manager Golnar will be reviewing the status of this event with the Oktoberfest Committee.
- Request for no skateboarding signage downtown. Chief McCann and Ken Kastelitz will review the complaint that was received.
- A new director has been selected for the Park County Economic Development Corporation. His name is Jim Plum.
- Transportation Coordinating Committee issue. City Manager Golnar recommends the creation of a parking taskforce to act as a subcommittee to the Transportation Board Committee.
- Calendar of events and activities:
 

August 16	7:30 p.m. - City Commission Meeting
August 17	4:00 p.m. - Park County Economic Development Corporation Meeting; <i>Second Floor First Interstate Building.</i>
August 25	4:00 p.m. - Infrastructure Committee Meeting; <i>Utility Building</i>
Sept. 1	4:30 p.m. - City/County Meeting'
Sept. 6	Labor Day Holiday - City Offices Closed
Sept. 7	7:30 p.m. - City Commission Meeting
Sept 20	7:30 p.m. - City Commission Meeting
Sept 22,23,24	Montana League of Cities and Towns Convention; <i>Bozeman</i>
Sept 25	Oktoberfest

City Commissioner Hall questioned City Planner Woodhull about the lack of quorums at the Board of Adjustment meetings. Mr. Woodhull stated confirmed that not all members show and there is one opening that has not been filled.

City Commissioner Hall questioned the City Manager on the Sheriff's department moving with the proposed Detention Facility and what is appropriate to fund on a county wide basis.

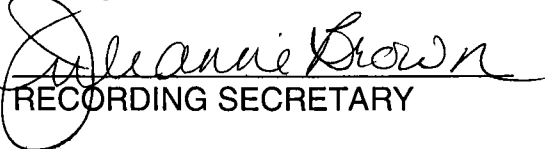
City Commission Mikesell commented on the City Manager's cell phone ringing during a Commission meeting and requested that he turn the phone off during Commission meetings.

Chairman Doyle commented on the upcoming League of Cities and Towns convention asked the secretary to sign him up.

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

The time was 10:25 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

September 7, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, September 7, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spannring, Sheryl Dahl and Fred Hall. City Commissioner Mike Doyle was absent.

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

- August 16, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims for FY 99-2000.

Commissioner Hall stated for the record that the only reason he was voting for the claim to Big Sky Asphalt was so that the subcontractors could be paid.  
All in favor. Motion passed.

A public hearing was held on Resolution No. 3021, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, MODIFYING STREET LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS THEREIN WITH MORE AESTHETIC LIGHTS, BY REPLACING OVERHEAD TRANSMISSION LINES WITH UNDERGROUND LINES, AND BY INCREASING THE LEVEL OF ILLUMINATION BY PROVIDING MORE STREET LIGHTS ON EACH BLOCK IN CONJUNCTION WITH THE CITY'S 5 YEAR STREET IMPROVEMENT PLAN AND LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 1999-2000 ESTIMATED TO BE IN THE AMOUNT OF \$17,100.00. No public comments were heard.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 3021. All in favor. Motion passed.

A public hearing was held on the FY 1999-2000 preliminary budget. No public comments were heard.

City Manager Steve Golnar gave the Commission a status update on the budget and stated that the final budget would be before the Commission at the next meeting.

A public hearing was held on a special exception request from St. Paul's Church located at 327 S. 12<sup>th</sup> Street. City Planner Jim Woodhull gave the background information on this request. A special exception is required because the property in question is zoned RII Residential and does not allow churches by right and St Paul's Church would like to build an addition onto their existing church. If the special exception is approved, the construction plans call for a nine and one-half foot front setback and a two foot side

setback. Mr. Woodhull stated that there was no quorum at the Board of Adjustments meeting and his recommendation is for approval of the special exception.

No public comments were heard.

Discussion took place that if any other type of business was to move into this building other than another church, another special exception would have to be applied for. Motion was made by Mikesell, second by Spannring to approve this special exception. All in favor. Motion passed.

City Planner Woodhull provided background information on a variance request by St. Paul's Church located at 327 S. 12<sup>th</sup> Street to be able to add an addition onto the church. Rll zoning requires a twenty-five foot front setback and a ten foot side setback on a side adjacent to a street. There are no boulevards adjoining this property and therefore it appears that they have more room than they actually do.

Katherine Colmey, a property owner across the street was present and voiced her concerns. City Attorney Becker clarified this special exception and requested variance effected the property.

As there was no quorum at the Board of Adjustment meeting, staff's recommendation was for approval of the variance.

Motion was made by Spannring, second by Mikesell, to accept staff's finding of fact. All in favor. Motion passed.

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

Motion was made by Mikesell, second by Hall, to approve Resolution No. 3019, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN LOAN AGREEMENT WITH JIM PERRY MAN, d/b/a PONY EXPRESS LUBE. All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3020, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 2 FOR THE BICYCLE/PEDESTRIAN PATH. City Manager Golnar answered questions from the Commission about where the money was coming from for the project.

The vote was three opposed, Dahl in favor. Motion died.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3022, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DEFERRING LOAN REPAYMENT UNDER HECKMAN CDBG LOAN AGREEMENTS AND PROMISSORY NOTES UNTIL MARCH, 2000.

Discussion was heard. Finance Officer Shirley Ewan stated that interest will still be charged throughout the deferral.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve Resolution No. 3023, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT FOR SID #178

WITH BAINTER BACKHOE SERVICE. City Commissioner Fred Hall stated that he is a subcontractor to Bainter Backhoe Service.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3024, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY FINANCE OFFICER TO SELL, ASSIGN AND ENDORSE FOR TRANSFER CERTIFICATES REPRESENTING STOCKS, BONDS OR OTHER SECURITIES IN THE NAME OF THE CITY OF LIVINGSTON. (SID #178)

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3025, A RESOLUTION RELATING TO \$179,000 SPECIAL IMPROVEMENT DISTRICT NO. 178 BONDS; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF AND AUTHORIZING THE PLEDGE OF THE REVOLVING FUND TO THE SECURITY THEREOF. Finance Officer Ewan informed the Commission that a new State law has passed, that now makes the General Fund responsible for the repayment of SID bonds if the property owners do not pay.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3026, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE LOAN FROM THE GENERAL FUND ACCOUNT #1000 TO EMERGENCY FUND ACCOUNT #2260 FOR LEVEE REMOVAL AND RIVER BANK RESTORATION.

All in favor. Motion passed.

Motion was made by Mikesell, second by Hall, to approve Resolution No. 3027, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A POLICY OF NOT WAIVING FEES UNDER THE UNIFORM BUILDING CODES AND SIGN CODES.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve first reading of Ordinance No. 1891, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1813 AS CODIFIED IN SECTION 30.40 AND 30.40.43.1 OF THE LIVINGSTON MUNICIPAL CODE TO ALLOW THE ESTABLISHMENT OF ANY NUMBER OF APARTMENTS IN EXISTING COMMERCIAL BUILDING FOR USE OF THE BUSINESS OWNER IN THE NEIGHBORHOOD COMMERCIAL DISTRICT.

All in favor. Motion passed.

City Planner Woodhull gave the background information on a one lot minor subdivision for Mr. George Denton. Mr. Denton wishes to create a one lot minor subdivision by dividing the existing Lot 13, in Phase II, at the Mountain View Estates into Lots 13A and 13B for use as townhouse lots.

Motion was made by Mikesell, second by Hall, to approve Mr. Denton's one lot minor subdivision request. All in favor. Motion passed.

Discussion took place on a four year interlocal funding agreement with the County for the City to provide ambulance services. City Manager Golnar stated that the memo to City Attorney Becker that was included in the packet, has not been reviewed with the County at this time. It will be discussed at the next City/County meeting. Some Commissioners were not comfortable with a four year funding agreement.

Finance Officer Shirley Ewan stated that the Ambulance service has been on the positive side when budgetal and expenditures are taken into consideration for the last three years.

After extensive discussion, the Commission agreed to a 2 year proposal and to continue to monitor and include the usage percent split between city, county and ambulance users in the distribution of subsidy costs for the future.

City Manager Golnar provided the Commission with a proposed interlocal agreement with the School District for tennis court reconstruction. Mr. Golnar will review this proposal with Mr. Beffert and the agreement will come back to the Commission as a resolution.

The following City Manager Comments were provided for the Commission's information:

- Bike Path Update.
- Levee Removal Update.
- Chinook Street Status.
- Roto Milling Status.
- Assistance was requested from the Development Review Committee for detention center and skate park locations.
- A letter of the City's support to HRDC Home Grant application for their purchase and rehabilitation of the Miles Building.
- The Building Department's annual reports have been submitted to the State.
- City Manager Golnar will be providing the Commission with responses to letters received on the Street and Light Maintenance Districts sparately.
- Calendar of events:

Sept 6	Labor Day Holiday – City Offices Closed
Sept 7	1:30 p.m. - County Final Budget
Sept 7	7:30 p.m. – City Commission Meeting
Sept 8	4:30 p.m. – City/County Joint Meeting
Sept 9	3-6 p.m. – Detention Committee; Community Room
Sept 20	7:30 p.m. – City Commission Meeting
Sept 22,23,24	Montana League of Cities & Towns Convention; Bozeman
Sept 25	Oktoberfest
Oct 4	5:00 p.m. – Annual Firefighter Pancake Dinner, Fire Prevention Week

Oct 4 7:30 p.m. – City Commission Meeting  
Oct 7 7:00 p.m. – Yellowstone River Task Force, YMI

- A tentative Livingston/Park County Communications Advisory Meeting date has been set for 3:30 or 4:00 p.m. on Monday, September 13<sup>th</sup>.

Supt. of Public Utilities Clint Tinsley addressed the Commission to thank the Street Department for all their street work as they have saved the Water Department lots of work.

Police Chief Steve McCann addressed the Commission to thank Mike Adkins for the great job he is doing coordinating the big trucks through the school zones with the levee removal.

City Commissioner Pat Mikesell also thanked Mike Adkins for his good job on the levee removal and stated that Mr. Adkins has gone the extra mile.

City Commission Sheryl Dahl questioned the status of the Oktoberfest this year. It was stated that the 8<sup>th</sup> Annual Oktoberfest will be held September 25<sup>th</sup> this year.

Motion was made by Mikesell, second by Hall, to adjourn this meeting there being no further business. All in favor. Motion passed.

The time was 9:01 p.m.

ATTEST:

APPROVED:

*Julianne Brown*  
RECORDING SECRETARY

*Mike O'Connell*  
VICE CHAIR, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

September 20, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, September 20, 1999 at 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Fred Hall, Mike Doyle, Bill Spannring and Sheryl Dahl. Commissioner Pat Mikesell was absent. Commissioner Spannring left at 7:53 p.m.

Motion was made by Dahl, second by Spannring, to change the order of the agenda to discuss item #6 before item #5. All in favor. Motion passed.

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

- September 7, 1999 Regular City Commission Meeting Minutes.
- Accept Bills and Claims.

All in favor. Motion passed.

Chairman Doyle proclaimed October 4-15, 1999 as Fire Prevention Week in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance requested by Katherine and Harold Holtshouser located at 1022 E. Callender. The Holtshouser's requested a variance from the side and rear setback requirements for RII (MH) zoning districts as they wish to build a garage on the side property line and approximately six inches from the rear property. Code requires a five foot setback at both locations.

The City Board of Adjustments recommends that the City Commission disapprove this variance request.

Shirley DePuy spoke in opposition to the variance request. Harold Holtshouser addressed the City Commission to withdraw the variance request.

No City Commission action was taken.

A public hearing was held on second reading of Ordinance No. 1891, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1813 AS CODIFIED IN SECTION 30.40 AND 30.40.43.1 OF THE LIVINGSTON MUNICIPAL CODE ALLOW THE ESTABLISHMENT OF ANY NUMBER OF APARTMENTS IN EXISTING COMMERCIAL BUILDING FOR USE OF THE BUSINESS OWNER IN THE NEIGHBORHOOD COMMERCIAL DISTRICT.

No public comments were heard. All in favor. Motion passed.

A public hearing continued on the final budget.

No public comments were heard.

City Manager Steve Golnar summarized changes that were made since the preliminary budget. Fire Chief Robert Schmidt answered questions by Commissioner Hall pertaining to Fire Department cuts in the budget.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 3034, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1999, THROUGH JUNE 30, 2000, ESTABLISHING THE TAX LEVY AND AUTHORIZING APPROPRIATIONS.

All in favor. Motion passed.

Motion was made by Hall, second by Spannring, to approve Resolution No. 3028, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY TO PROVIDE AMBULANCE SERVICE.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 3029, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH SCHOOL DISTRICT #4 FOR RECONSTRUCTION OF TENNIS COURTS.

All in favor. Motion passed.

Motion was made by Spannring, second by Hall, to approve Resolution NO. 3030, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER WITH MARVIN & ASSOCIATES FOR LIVINGSTON AREA TRANSPORTATION STUDY.

Extensive discussion was heard concerning if the County and the State were committed to this additional work and why the transportation modeling was not included in the first scope of work. City Commissioners informed the Manager that the County needed to confirm their share of costs to the additional project before he proceeds with the change order.

All in favor. Motion passed. (Spannring gone)

Motion was made by Dahl, second by Hall, to approve Resolution No. 3031, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING AGREEMENT WITH PARK COUNTY, MONTANA TO PROVIDE D.A.R.E. INSTRUCTION.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 3032, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PAYBACK AGREEMENT WITH ECONOLIDGE FOR SEWER MAIN EXTENSION.

All in favor. Motion passed.



Motion was made by Dahl, second by Hall, to approve Resolution No. 3033, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER FOR CHINOOK STREET.

All in favor. Motion passed.

Supt. of Public Utilities Clint Tinsley-addressed the Commission stating that he was overseeing the project and if there was a change in contractor's on the project, this would come before the Commission for an amendment.

Motion was made by Hall, second by Dahl, to approve the purchase City of Livingston's fire truck #31 by the Town of Clyde Park, Montana for the amount of \$7,500.

All in favor. Motion passed.

The following Department Head Monthly Reports and Minutes were provided for the Commission's information:

Finance Monthly Report, August 1999 (will be provided at a later date)  
 Livingston Fire/Ambulance Accounts Receivable Monthly Report, August 1999  
 Livingston Fire Department Monthly Report, August 1999  
 Police Department Monthly Report, August 1999  
 City Judge Monthly Report, August 1999  
 Water and Sewer Metered Revenues Monthly Report, July 1999  
 Water and Sewer Metered Revenues Monthly Report, August 1999  
 Code Enforcement Monthly Report, August 1999  
 Recreation Monthly Report, August 1999  
 Building Inspector Monthly Report, August 1999  
 Library Minutes, July 13, 1999  
 Library Director's Monthly Report, July 1999

The following City Manager Comments were provided for the Commission's information:

- Y2K letters to be sent out the week of September 20<sup>th</sup> to interested and concerned vendors. Commissioner Dahl questioned if the City will perform a "test run". City Manager Golnar confirmed that testing was included in the plan.
- Two openings for the City Board of Adjustments are currently being advertised until October 8, 1999.
- The City Commission directed the City Manager to be real specific with developing a policy for Street Maintenance and Street Lighting Maintenance District protest responses.
- The Sam Dore case has been closed.
- Employee Achievement Notes:
  - Police Officer Dale Johnson was commended by Ken Lombard, Darren Raney and Chief McCann.

- Fire Chief Schmidt completed a 10 day course at the National Fire Academy.
- Shirley Ewan, Julianne Brown, Clint Tinsley, Tom Bergsing, Lisa Swoboda, Ken Kastelitz and Steve Golnar attended a Interviewing and Hiring Skills Training session.
- A revised Transportation Study schedule and public meeting agenda was included. The meeting is scheduled for September 27<sup>th</sup> at 7:00 p.m.
- City Manager Golnar included in the packet, information on a proposed parking task force. Discussion was heard concerning a proposed ordinance to address parking on private lots to allow tow trucks to tow violators. The City Commission stated that they were not interested in patrolling and enforcing parking violations on private lots, due to staff limitations.
- Draft Montana Department of Transportation Urban Highway Improvement proposal excerpts were provided for the Commission's information. This would amount to approximately \$178,000 for Livingston. City Manager Golnar will look into the limitations on how this funding can be used for Commissioner Dahl.
- City Manager Golnar has asked the engineer for the Bike/Pedestrian Path project to begin the project close out process.
- Chinook Street Project - All of the straight curbs and gutters have been poured for this project. Curb work should continue through the week of September 20<sup>th</sup>. The contract deadline is October 8<sup>th</sup>.
- Levee Removal – The engineer reports that levee removal is 90% complete.
- Roto Millings – 10<sup>th</sup> Street to River Drive was paved with roto millings. A plan will be prepared for next spring to use the remainder of the roto millings.
- 1999 Infrastructure Program – The shoring has been acquired and cold mix has been ordered. City Manager Golnar stated that the City hopes to finish this work this year.
- A engineering proposal for the 2000 Infrastructure Program should be received by the City Commission in the near future.
- Calendar of Events:
 

Sept 20	7:30 p.m. – City Commission Meeting
Sept 22, 23 & 24	Montana League of Cities & Towns Convention; Bozeman
Sept 25	8 <sup>th</sup> Annual Oktoberfest
Sept 27	7:00 p.m. – Livingston Transportation Study – second public Hearing
Sept 29	4:00 p.m. – Infrastructure Committee – Utility Building
Sept 30	5:30 p.m. – Dedication of Public Restrooms – Sacajawea Park (Jr. Women's Club)
Oct 4	3:30 p.m. – Communications Advisory Board Meeting – Community Room
Oct 4	5:00 p.m. – Annual Firefighter Pancake Dinner, Fire Prevention Week
Oct 6	4:30 p.m. – City/County Meeting – County Commission Chambers

Oct 7 7:00 p.m. – Upper Yellowstone River Task Force – YMI

City Commissioner Dahl questioned the no parking signage and yellow striping on B & Park Street near T J's Gas and Convenience. This will be looked into.

City Commissioner Hall stated that the Dispatch Advisory Board is moving forward with the City and the County.

City Commission Hall questioned if talks with City Fire and Rural Fire were going in any direction. City Manager Golnar stated that he will be moving forward with those discussions.

Chairman Doyle stated that he recently went to Havre and toured their Detention Facilities and that it was a real eye opener. Mr. Doyle stated that the local committee is still deciding on what size of a facility Livingston should have and that there needs to be an independent assessment. Mr. Doyle appreciates going to and being a part of the Detention Committee.

Supt. of Public Services Ken Kastelitz stated that there were 95 geese in the park today.

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

The time was 8:36 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING.

October 4, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, October 4, 1999, 7:30 p.m. in the Community Room at the City County Building. City Commissioners present were Pat Mikesell, Bill Spannring, Sheryl Dahl, Fred Hall and Mike Doyle.

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

- September 20, 1999 Regular City Commission meeting minutes.
- Accept the bills and claims in the amount of \$126,365.57.

All in favor. Motion passed.

Chairman Doyle proclaimed October 18-22, 1999 as National Business Women's Week in the City of Livingston.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3035, A RESOLUTION RELATING TO \$179,000 SPECIAL IMPROVEMENT DISTRICT NO. 178 BONDS; AWARDED THE SALE THEREOF AND APPROVING CERTAIN MATTERS WITH RESPECT THERETO.

City Manager Steve Golnar stated that bids were opened earlier in the day, with the lowest bidder being Citizens Bank and Trust Company out of Big Timber.

This information was provided in an addendum.

All in favor. Motion passed.

City Manager Golnar explained that the proposed interlocal agreement with Park County for the Victim/Witness Advocate Program previously was funded by grant monies. Current legislation allows a \$10 surcharge from fines to go directly to the program for funding. City Attorney Becker stated that this would keep the money local and was a good idea.

No Commission action was taken at this meeting and the issue will be discussed at the next City/County Joint Meeting.

City Manager Golnar reviewed with the Commission, a list of possible sites for the proposed Detention Center. City Representative to the Detention Committee, Bob Jovick, provided the City Manager with a short list.

Commissioner Mikesell pointed out 5 sites on the list that were the most expensive pieces of land in Park County at this time.

Commissioner Hall commented on the Dispatch Committee meeting that was held earlier in the day.

City Manager Golnar reported that he has sent a letter to the Development Review Committee to review the possible sites and they are to get back with him on Wednesday afternoon.

No Commission action was taken.

Discussion was heard concerning a draft letter to the Park County Commissioners that is responding to their request for City offices to be included with the proposed Park County Detention Center. An alternate #1 and #2 was listed for the Commission's approval.

Commissioner's Dahl, Hall and Mikesell agreed to keep the options as simple as possible and only go with alternate #1. Commissioner Spannring voiced that the City go with both options.

Chairman Doyle suggested that the City go with both options for now and see where it might lead.

Motion was made by Dahl, second by Mikesell, to send the letter to the County Commissioners and Detention Committee stating the Commission's preferred alternatives for City functions to be added to proposed Detention Center Complex.

All in favor. Motion passed.

Included in the packet was a letter from Attorney Bob Jovick who is representing Lenny Gregrey, requesting that the City revise Ordinance No. 1805 to lift water well drilling prohibition from at least the West side of Livingston.

City Manager Golnar stated that he has left a message with the State regarding the status of the negotiations between the State and Burlington Northern.

The Commission was in agreement, that if nothing happened in the next six months, the City should bring the Wellhead Protection issue back up and include the area around the City.

No Commission was taken at this meeting.

City Planner Jim Woodhull gave background information on a one lot minor subdivision request by Mountain View Development. They wish to create a one lot minor subdivision by dividing the existing Lot 1 in the Vista View Subdivision into Lots 1A and 1B. Both proposed lots are build-out with an eight-plex on 1A and a four-plex on 1B. The City/County Planning Board recommends approval of this request.

Motion was made by Dahl, second by Mikesell, to approve Mountain View Development's one lot mine subdivision.

All in favor. Motion passed.

Under City Attorney Comments, City Commissioner Bill Spannring requested that the topic of a City Employee serving as a City Commissioner be put on the agenda.

Commissioner Spannring reported that he intends to be on the ballot, intends to run for Commission and stated if he should be elected for another term, he hopes it ends up in the court system. Mr. Spannring believes that the Attorney General's Opinion is wrong.

City Attorney Bruce Becker stated that the Whitehall case is still pending in the District Courts.

Discussion was heard on whether the City Commission should be responsible for taking this issue to court or if it should be the Commission at all.

Mr. Spannring stated that he wanted the public to know that should he get elected, there will be some difficult problems ahead.

Motion was made by Dahl, second by Mikesell, to direct the City Attorney to proceed with a declaratory judgement on behalf of Commissioner Bill Spannring and to make it effective immediately.

All in favor. Motion passed.

The following City Manager Comments were provided for the Commissions information:

- Budget certified mill levy information from the State was in error. This will require a new resolution setting mill levies at a future meeting.
- The following League of Cities and Towns major issues were discussed at the League Convention on September 22-24, 1999:
  - Impact of 1999 Legislatures tax Reform on local governments;
  - Highway Funding;
  - Possible Web Site Assistance;
  - Park Communications and Franchise Ordinances Handout; and,
  - An Interim Legislative Committee on Local Government Finance was created.
- Transportation Study Status.
- Data for flood damage analysis being collected.
- Livingston Parking Task Force to meeting on October 7<sup>th</sup>. Commission Dahl stated that she was interested.
- 1<sup>st</sup> Interstate Bank offers furniture to the City. Commissioners Dahl and Spannring thanked the bank for their offer.
- Project updates included:
  - Dedication of Public Restrooms in Sacajawea Park were performed by the Jr. Women's Club on September 30, 1999.
  - Bike/Pedestrian Path is nearing completion with a few items still outstanding.
  - Chinook Street Project – The City has been notified of a lien from a subcontractor to Big Sky Asphalt and the City will be holding Big Sky Asphalt's check that was included in the bills until the matter is worked out.
  - Levee Removal – The levee removal portion of the project which involves FEMA funding was completed before the 9/30/00 deadline. The Engineer and FEMA are still waiting for the State Flood Plain Coordinator's sign off that the project is done. Cost sharing for engineering will be settle at the close of the project which should be within the next month or so. Commissioner Spannring stated that it was a fine job on the levee removal. City Attorney Becker stated that vehicles on spinning "cookies" on top of the levee material at the old landfill at Mayor's Landing and that it could be a potential problem. City Manager Golnar stated that the ground

cannot be seeded before October 15<sup>th</sup> and then it will be closed off to vehicular traffic.

- Calendar of events:

- Oct 4 3:30 p.m. – Communications Advisory Board Meeting – Community Room
- Oct 4 5:00 p.m. – Annual Firefighter Pancake Dinner, Fire Prevention Week
- Oct 4 7:30 p.m. – City Commission Meeting
- Oct 6 4:30 p.m. – City/County Joint Meeting
- Oct 7 3:00 p.m. – Parking Task Force – City Court Room
- Oct 7 7:00 p.m. – Upper Yellowstone River Task Force – YMI
- Oct 14 7:00 p.m. – Public Meeting on East Livingston Urban Renewal Effort
- Oct 11 Columbus Day Holiday – City Offices Closed

City Commissioner Hall stated that he has been asked about some of the parking at Mayor's Landing. He stated that the parking area in front of the boat ramp does not designate any limitations on parking, and that when vehicles with trailers park there, it makes an obstacle for vehicles backing their trailers into the water. Supt. of Public Services Ken Kastelitz will look into putting a no parking sign in front of the boat ramp.

City Commissioner Hall commented on the whole Mayor's Landing and park area and that the job needs to be finished rehabilitating the North channel. Mr. Hall stated that this item needs to be put on the front burner to find someone to get a grant. Mr. Hall stated that more people are going down there walking and there are pieces of rusted metal all over the river bank area. Commission Dahl suggested that the City talk with Trout's Unlimited as a starting point for assistance with this project..

The whole Commission concurred.

City Commissioner Hall stated that the past Oktoberfest was a bust and he would like to see the City keep it or loose it. If kept, he would like to see a City run event in August. He would like to see it make some money and be possibly a two day event. Discussion was heard from members of the Commission. Mr. Hall stated that he would be 100 percent behind a City summer event. Commissioner Mikesell agreed that he did not want to see an event like the Oktoberfest die.

Supt. of Public Services Kastelitz stated that he would prepare an estimated cost and would need money up front to do a summer event.

Commissioner Spannring stated that he would be interested in seeing a plan.

Fire Chief Schmidt suggested a State Micro Beer Championship Competition be combined with the event. Some members of the Commission did not know if that would be a good City sponsored event.

A proposal will come before the Commission at their next meeting.

Commissioner Hall questioned the City Manager on the status of the basketball hoops at the old Eastside School. Mr. Golnar stated that it was in the budget and work would be started right away.

Commissioner Dahl thanked the Firefighters for the great pancake dinner they prepared before the meeting.

Commissioner Dahl thanked City staff who worked on Oktoberfest this year.

Commissioner Dahl questioned the City Manager as to where the money was going for capital replacement of the fire truck. Mr. Golnar responded that it will be going into restricted cash for Fire Capital replacement.

Commissioner Dahl stated she wanted to see a Y2K test on the generator by the end of the year and appreciates the work that Police Chief McCann has done on the City's Y2K preparedness.

Commissioner Dahl told the City Manager that she wanted him to accomplish Department Head evaluations by the end of the year and felt that it was important for the Department Heads.

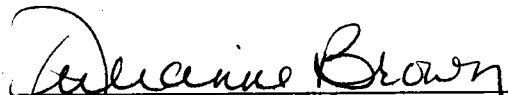
Chairman Doyle reported that he attended the restroom dedication at Sacajawea Park and is impressed with the Jr. Women's Club and their history of efforts in the community. Mr. Doyle noted past projects of the Jr. Women's Club.

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

The time was 8:50 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

October 18, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, October 18, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Bill Spanring, Fred Hall and Mike Doyle. City Commissioner Sheryl Dahl arrived at 7:37 p.m.

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

- October 4, 1999 regular City Commission meeting minutes;
- Accept the bills and claims in the amount of \$68,049.83;
- Appoint Diana Sieder to the Historic Preservation Commission;
- Approve the draft letter to TD&H Engineers regarding concrete curb not meeting specifications on the Livingston Bike/Pedestrian Path; and,
- Approve the parade route and closure of Main Street on December 10<sup>th</sup> from 5:30 p.m. to 9:00 p.m. for the Christmas Stroll.

All in favor. Motion passed.

Chairman Doyle proclaimed October 18-23, 1999 as Wind Week in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance request from Michael and Toni Atwood of 810 W. Crawford from the fence height requirement for RII zoning districts. The Atwood's wish to build a fence along their side property line extending in front of their house. This fence would begin at four feet high and gradually step up to six feet high. Code allows a maximum fence height of four feet in the front yard.

Motion was made by Spanring, to approve the staff's finding of fact for disapproval of this variance. Motion died due to a lack of a second.

Discussion was heard from the Commission. Motion was made by Mikesell, second by Hall, to approve the Board of Adjustments finding of fact for approval of this variance.

It was noted that there was a loop hole in our law, that depending how a house was located on a lot, a six foot fence could be allowed. Planner Woodhull stated that the current subdivision regulations would prevent such a situation from happening in new subdivisions. The Atwood's neighborhood is in an older section of the City which was built before subdivision regulations, and they have a neighbor with his backyard next to their side yard.

The vote for the Board of Adjustments finding of fact was three in favor. Spanning opposed. Motion passed.

Motion was made by Mikesell, second by Hall, to approve this variance request. Three in favor. Spanning opposed. Motion passed.

City Planner Woodhull stated that the next variance request from Judith den Boer of 425 1/2 S. F Street was requested to be withdrawn by the applicant. Mr. Woodhull asked that the Commission act on this request.

Motion was made by Hall, second by Dahl, to disapprove this variance request. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3036, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA, FOR PARTICIPATION IN VICTIM/WITNESS ADVOCACY PROGRAM.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3037, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CALLING FOR A PUBLIC HEARING ON AMENDING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1999 THROUGH JUNE 30, 2000.

Commissioner Hall questioned the need for a special meeting that was scheduled for Friday October 22, 1999 at 4:30 p.m. in the Community Room at the City/County Building. City Manager Steve Golnar responded that as the value of a mill has changed, the number of mills levied by the City would have to change and a public hearing needed to be held prior to passage of the new mill levy according to the City Attorney. In addition, the Park County Assessor's office needed the changes by Monday morning to meet their schedule for the tax rolls.

All in favor. Motion passed.

Motion was made by Dahl, second by Hall, to approve Resolution No. 3038, A RESOLUTION RELATING TO \$179,000 SPECIAL IMPROVEMENT DISTRICT NO. 178 BONDS; FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3039, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER FOR LEVEE REMOVAL PROJECT WITH MACPE.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 2040, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR DESIGN PHASE FOR DETENTION CENTER.

City Manager Golnar reported on a revision to the interlocal agreement and that \$15,000 of city funds was allocated for detention facility design review. Finance Officer Shirley Ewan stated that these funds would be drawn from the "Complex Facility" line item.

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 3041, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT WITH FINANCE OFFICER BY APPROVING A 2.7% PAY RAISE FOR FISCAL YEAR 1999-2000.

Commissioner Dahl questioned why this resolution was not before the Commission prior to the budgeting process. City Manager Golnar stated that it was overlooked.

All in favor. Motion passed.

Motion was made by Spannring, second by Mikesell, to approve Resolution No. 3042, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT BY GIVING A 2.7% PAY RAISE FOR FISCAL YEAR 1999-2000.

Commissioner Dahl stated that in the past, this pay raise was given in conjunction with the Manager's performance evaluation.

More discussion was heard from the Commission and City Manager.

Motion was made by Hall, second by Dahl, to table this resolution until the November 15<sup>th</sup> meeting. The City Manager's performance evaluation will be held after the November 1<sup>st</sup> meeting.

The vote to table was four in favor. Doyle opposed. Motion passed.

The City Commission reviewed and commented on a letter that the City Manager sent to the Park County Conservation District encouraging them to sponsor a bank stabilization project on 9<sup>th</sup> Street Island for Mr. Bill Srigley.

Commissioner Dahl noted interest in similar "soft bank stabilization efforts" which have taken place on the Gallatin River and stated that she supports this letter and suggested that the City Manager follow up with a note to the District that the City Commission concurs with his letter.

Commissioner Hall stated that he was in favor of helping our neighbors along the river.

No other action was taken.

Motion was made by Hall, second by Mikesell, that the City Commission concurs with the Livingston/Park County Communications Advisory Board recommendations regarding the future Communications Center construction,

operations and funding articulated in a letter to the City and County dated October 5, 1999.

All in favor. Motion passed.

The City Commission reviewed and discussed a request from the County that the City provide all information possible in regards to the East Side School location for the new Detention Center.

Commissioner Dahl questioned the City Manager as to how serious the County was in looking at the East Side School as a location. Ms. Dahl noted her concerns about the possible demolition of this historic building.

Discussion was heard on this subject from the Commission and staff.

Motion was made by Hall, second by Mikesell, to provide the County and architects with any information the City does have regarding the East Side School.

The vote was four in favor. Dahl opposed. Motion passed.

Motion was made by Hall, second by Dahl, to have an appraisal of the East Side School property undertaken.

All in favor. Motion passed.

City Manager Golnar will also find out what the costs estimates are for demolishing the building.

City Manager Golnar stated that a meeting was scheduled for Wednesday, October 20<sup>th</sup>, to review with the Detention Center Project architect regarding the City's functions and interests to be coordinated with the facility's development.

A letter from City Judge Neil Travis was included in the packet, requesting that the City Attorney revisit parking citations and the summons process articulated in the City Codes. City Attorney Bruce Becker stated that he will survey other towns to determine how they issue parking citations and collect for unpaid tickets.

Commissioner Dahl stated that since the current process does not seem to be working, that the City needs to come up with a different process once the tickets are used up.

The City Commission will revisit this issue at their second meeting in December.

Discussion was heard regarding a request for City coordination with the Boy Scouts request to the Community Trust for a trailer to haul Christmas trees.

After discussion, staff and the Commission felt that this was something that the City should not do if the Boy Scouts could coordinate use and maintain the trailer.

No action was taken.

The City Commission discussed a proposal in the packet for the City to hold a summerfestival in Sacajawea Park next summer. Comments and support for the event were given from the Commission.

The proposal requested that \$8,000 be budgeted in FY 1999-2000 and that the remaining \$4,000 be budgeted for in FY 2000-2001.

Motion was made by Hall, second by Mikesell, that the City of Livingston sponsor a summerfest 2000 and direct the City Manager and Finance Officer to find seed money to get the project started by the City Commission's October 22<sup>nd</sup> special budget meeting.

All in favor. Motion passed.

The City Commission and staff discussed a Street Maintenance District Policy proposed by the City Manager for undeveloped and undivided parcels of land within the City limits.

City Manager Golnar went through four options with the Commission, with his recommendation being option #4, "The assessment of such parcels shall be altered by excluding from said assessments all land more than 200 feet from the abutting streets, this is the depth of one half of a City block which would allow for benefit to property owners with these large parcels in many instances".

Motion was made by Dahl, second by Mikesell, to approve the drafting of a Street Maintenance District Policy for undeveloped and undivided parcels of land within the City limits and to approve option #3, "The assessment on all such parcels should be altered by excluding from said assessments all land more than 140 feet from the abutting streets which would be consistent with the depth of one city lot."

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to authorize the City Attorney to proceed with a declaratory judgment or Quo Warranto, on the qualifications for Commissioner Spanning to continue to serve on the City Commission.

All in favor. Motion passed.

Department Head monthly reports for September 1999 were provided for the Commission's information. The Finance Monthly Report for September 1999 was provided separately.

The following City Manager Comments were provided for the Commission's information:

- Reclamation of Fleshman Creek North of Mayor's Landing - City Manager Golnar will be meeting with Bob Wiltshire of the Federation of Fly Fisherman during the week of October 18<sup>th</sup>.
- Basketball Hoops were ordered on October 7<sup>th</sup> for the old East Side School. Supt. Of Public Services Ken Kastelitz stated that they will be aluminum.
- "No parking" signs have been installed at Mayor's Landing across from the boat ramp. Staff also determined that in coordination with the rehabilitation of River Side Park on River Drive, that an enlarged parking and turn around area would be appropriate as described in an enclosed diagram.

- City Manager Golnar's evaluation session will be held at the November 1<sup>st</sup> meeting. Mr. Golnar provided the City Commission with an updated list of accomplishments and pending tasks.
- City Manager Golnar noted to the City Commission that a Park County Environmental Coalition Technical Assistant informed him that a training session on BN hazardous contaminants will be held at the Wellness Center. A City Commission representative is invited to attend.
- Levee Removal Project - the Engineer recommends that the certificate of substantial completion be signed. Mr. Golnar and the engineer toured the levee site earlier in the evening with the State Flood Plain Coordinator, Mr. Karl Christians, who verbally stated the site looked good. The contractor is in the process of finishing the grading, seeding and installation of a rock path on the Mayor's Landing area.
- Chinook Street- Paving is essentially completed and follow up work on a number of punch list items, including the concrete, is in the process.
- Bike/Pedestrian Path - City Manager Golnar reported that he will bring to the Commission, the rest of the items remaining on this project in the near future.
- Notice to proceed has been issued for the N Street SID 178 project. The contractor began work on October 8<sup>th</sup>.
- A tentative report from the Transportation Study Consultant is scheduled for delivery on November 12<sup>th</sup> with the public hearing being held on November 30<sup>th</sup>. The final report is scheduled for December 17<sup>th</sup>.
- Parking Task Force - It has been determined by this committee, that more parking is needed in the downtown area. Another meeting was scheduled for November 4<sup>th</sup> at 3:30 p.m.
- Additional final budget information has been provided to the Solid Waste Study consultant, who plans to have an additional follow up meeting prior to providing his final recommendations to the City Commission.
- City Manager Golnar wrote a memo to the Development Review Committee, requesting that they put together a Wellhead Protection Program Policy for Livingston.
- Follow up on the East Livingston Beautification and Urban Renewal meeting involves securing a facilitator to coordinate an East Livingston Issues identification session in November.
- City Manager Golnar attended a meeting on October 13<sup>th</sup> at the Bozeman Library with the Assistant Secretary of the Army relating to bank stabilization on the Yellowstone River.
- A third quarter monitoring report from the Stillwater Mining Company was received and identified that 123 employees with six family members are impacting Livingston.

- Enclosed for the Commission's information was a Yellowstone Water Reservation Ten Year Report and a Y2K letter from MMIA on the City's insurance coverage's.
- Calendar of events:
 

Oct 18 <sup>th</sup>	7:30 p.m. - City Commission Meeting
Oct 19 <sup>th</sup>	7:00 p.m. - Governor's Upper Yellowstone River Task Force
Oct 20 <sup>th</sup>	8:00 a.m. - ATSDR Training on BN Hazardous Contaminants - Wellness Center
Oct 20 <sup>th</sup>	10:00 a.m. - 2:30 p.m. - City Orientation of Detention Center Architect
Oct 22 <sup>nd</sup>	4:30 p.m. - Special City Commission meeting for final budget passage
Oct 27 <sup>th</sup>	4:00 p.m. - Infrastructure Committee meeting; Utility Building
Nov 1 <sup>st</sup>	7:30 p.m. - City Commission Meeting
Nov 2 <sup>nd</sup>	City Commission Election
Nov 3 <sup>rd</sup>	4:30 p.m. - City/County Meeting
Nov 4 <sup>th</sup>	3:30 p.m. - Parking Task Force Meeting
Nov 11 <sup>th</sup>	Veteran's Day - City Offices Closed

Commissioner Dahl thanked City Manager Golnar and staff for correcting the yellow curb and two hour parking sign problem on B Street in front of TJ's.

Commissioner Dahl questioned the status of the Board of Adjustment openings. It was noted that the openings were advertised and no applications were received.

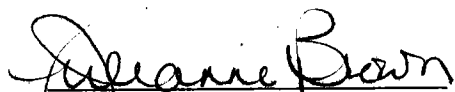
Commissioner Dahl questioned the business tax breaks that have been given in the past, and how does the City recoup the money if the business leaves town.

Chairman Doyle stated that he received a memo from the Development Review Committee relating to the Skate Park proposed site and that the project has proven to be a lot more involved than he originally figured. Mr. Doyle invited Mr. Golnar and the DRC to the next Skate Park meeting.

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

The time was 9:30 p.m.

ATTEST:

  
 RECORDING SECRETARY

APPROVED:

  
 CHAIRMAN, CITY COMMISSION

LIVINGSTON  
SPECIAL  
CITY COMMISSION MEETING  
October 22, 1999  
4:30 p.m.

The Livingston City Commission met in special session on Friday, October 22, 1999, 4:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Fred Hall, Mike Doyle, Pat Mikesell, Bill Spannring and Sheryl Dahl.

A public hearing was held on Resolution No. 3043, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR JULY 1, 1999, THROUGH JUNE 30, 2000, ESTABLISHING THE TAX LEVY AND AUTHORIZING APPROPRIATIONS. No public comments were heard.

Motion was made by Mikesell, second by Spannring, to approve this resolution.

City Manager Steve Golnar explained the valuation of a mill in Livingston was revised due to miscalculations by the State and a public hearing was necessary to change the mill levy for FY 99-2000.

Mr. Golnar proposed that a loan from the General Fund to the Recreation Fund of \$8,000 at 2% for the summerfest next year be approved by resolution at the next meeting. \$4,000 will be budgeted next fiscal year to be used prior to the event.

Commissioner Dahl questioned how the loan would be paid back. Mr. Golnar stated that it will be determined at the closure of the summerfest. Finance Officer Shirley Ewan stated that the General Fund loan can be forgiven if it is not able to be paid back. Mr. Golnar stated that the proposed loan could provide for three years to be paid back.

Chairman Doyle stated that he does not want to see this loan as a negative in the Recreation books if the loan is not able to be paid back by the summerfest proceeds. Mr. Golnar stated that in the conditions of the loan, the requirement would be added requiring repayment from the summerfest proceeds.

Commissioner Hall would like an official name established for the event by the next meeting.

All in favor. Motion passed.

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

The time was 4:42 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

November 1, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 1, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Bill Spanning, Mike Doyle and Pat Mikesell. Commissioner Sheryl Dahl arrived at 7:31 p.m.

Chairman Doyle asked the City Commission for their approval to drop the Executive Session from the agenda. The Commission was in agreement. The City Manager's evaluation will be held at the December 6<sup>th</sup> meeting.

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

- Approve October 4, 1999 Regular City Commission Meeting Minutes
- Approve October 22, 1999 Special City Commission Meeting Minutes
- Accept bills and claims in the amount of \$167,923.28. City Manager Steve Golnar stated that the City will retain the remaining payment to Big Sky Asphalt contingent upon approval of the project progress by staff and the Attorney.

Motion passed.

Motion was made by Mikesell, second by Dahl, to approve Resolution No. 3044, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BAINTER BACKHOE FOR CHINOOK STREET REPAIR. City Manager Golnar stated that this job necessitated because of water main break between North Main Street and B Street and should be accomplished before the snow flies.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3045, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE POSITION DESCRIPTION FOR THE FINANCE OFFICER. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3046, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT OF EMPLOYMENT FOR THE FINANCE OFFICER. Commissioner Dahl stated that additional clean up was needed on this contract if it was going to be amended. Areas to be cleaned up were discussed.

City Manager Golnar stated that he would try to have something on the Compensation Policy by the next Commission meeting.

Motion was made by Dahl, second by Mikesell, to table this resolution until the 1<sup>st</sup> meeting in December. Three in favor, Spanning opposed. Motion to table passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3047, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING LOAN OF \$8,000.00 FROM GENERAL FUND #1000 TO RECREATION FUND #2210 FOR A COMMUNITY SUMMER EVENT.

City Manager Golnar stated that the fifth "whereas", the word "not" needs to be deleted.

Chairman Doyle commented that he found it fascinating on how quickly the loaning of this money has gone through.

All in favor. Motion passed.

Motion was made by Spannring, second by Dahl, to approve Resolution No. 3048, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A POLICY FOR STREET MAINTENANCE AND LIGHTING DISTRICTS FOR ASSESSING UNDEVELOPED AND UNDIVIDED PARCELS OF GROUND WITHIN SAID DISTRICTS. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3049, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH THE AMERICAN RED CROSS FOR USE OF CIVIC CENTER IN A DISASTER. All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3050, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH WESTERN CONSULTING TO INSPECT CHINOOK STREET PROJECT FROM MAIN TO B STREET. All in favor. Motion passed.

Motion was made by Dahl, second by Spannring, to reconsider Resolution No. 3047. All in favor. Motion to reconsider passed.

Commissioner Dahl stated that she would like to seeing specific wording within this resolution on the Recreation Department not being responsible for paying back the loan.

Motion was made by Dahl, second by Mikesell, to table this resolution until another "whereas" could be added. All in favor. Motion to table passed.

Discussion was heard on the adoption of a name for the City summer event scheduled for next summer. The recommending Committee suggested, "Summerfest along the Yellowstone".

The Commission suggested to the reporter present, that the public might be solicited through an article in the Enterprise for other names.

No other action was taken.

City Manager Golnar asked for discussion from the Commission regarding the content and setting of a schedule for upcoming Commission Orientation Workshops. Mr. Golnar explained the orientation workshop schedule from 1998 and asked for areas which Commission found particularly useful.

It was suggested that Mr. Golnar contact the Commission elect prior to the new calendar year to find out what would fit into their schedules.

Commissioner Dahl requested that the Manager allow more time for the City/County tour.

Commissioner Dahl questioned City Attorney Bruce Becker if there was a Y2K problem the first of the year, which Commission would be responsible. Mr. Becker stated that the old Commission is still the presiding Commission until the new Commission elect is sworn in.

Commissioner Dahl requested that the Manager provide less reading material and more visual information in the orientation packet.

The City received a petition from concerned residents who live in the area of the former "Bridger Motors" located at North Sixth Street and Chinook Street. City Manager Golnar and Police Chief Steve McCann updated the Commission and audience on this concern.

The Commission concurred that the City Planner and City Attorney should work on the zoning of commercial businesses in a residential area, set backs and the painting of setbacks. It was noted that there are now curbs along Chinook Street which will enable enforcement of double parking, but no setbacks from the corner are painted at this time. Chief McCann stated that the City Judge will not enforce parking citations if the setbacks are not painted.

The Commission informed the audience that the City was in the process of bringing this issue to closure. Commissioner Spannring stated that this problem needs to be addressed under the City's current Decay Ordinance and would like other businesses with similar conditions addressed.

Citizens addressing the City Commission with regards to the condition of the 6<sup>th</sup> and Chinook Streets property were: Barbara Dean, Deforest Shuyler, Steve Roberts, Gay Bartlett and Wilber Bartlett.

City Commission discussion was heard about automobiles not being included in the community decay ordinance. The Commission concurs that the former "Bridger Motor" concern needs to be enforced under the Decay Ordinance and would like the Manager to report back to the Commission on how this issue is being addressed.

The following City Manager Comments were provided for the Commission's information:

- City Manager Golnar informed the Commission that he is in the process of performing Department Head evaluations and will be completing the remaining evaluations in early November.
- The Parking citation and summons process research continues – Attorney Becker has sent requests to various communities on how they address this situation and is waiting for responses. Mr. Golnar noted that the Parking Task Force is scheduled to meet on November 4<sup>th</sup> at 3:30 p.m.
- The City of Livingston has received furniture from 1<sup>st</sup> Interstate Bank and Mr. Golnar thanked them for their generosity.
- Mr. Golnar updated the Commission on the status of Y2K. There will be discussion at the next City/County meeting regarding the filling of the diesel tank for the complex. Mr. Golnar stated that City departments will run a Y2K test by December 1<sup>st</sup>.

- Letter received from Marvin and Associates confirming the expansion of the scope of the contract for the Livingston Area Transportation Study. The county has agreed to fund the traffic modeling along with the City and State.
- County has signed the Interlocal Agreement with the City for the design phase of the Detention Center.
- The Livingston/Park County Communications Advisory Board will meet on Monday, November 8<sup>th</sup> at 3:30 p.m.
- Summary minutes of the Governor's Upper Yellowstone River Task Force were included. The next meeting is scheduled for November 16, 1999 at 7:00 p.m. at the Yellowstone Motor Inn.
- A letter was received from John Wadhams, Project Coordinator of the BN/Livingston clean up site requesting a meeting on November 30, 1999 to discuss a controlled groundwater area at the site. Mr. Golnar will be contacting Mr. Wadhams for coordination of this proposed meeting.
- The following calendar of events was provided for the Commission's information:

Nov 1	7:30 p.m. – City Commission Meeting
Nov 2	City Commission Election Day
Nov 3	4:30 p.m. – City/County Meeting – See enclosed proposed Agenda
Nov 4	3:00 p.m. – Detention Committee
Nov 4	3:30 p.m. – Parking Task Force – Community Room
Nov 8	3:30 p.m. – Livingston/Park County Communications Advisory Committee meeting – Community Room
Nov 10	4:00 p.m. – Infrastructure Committee – Utility Building
Nov 11	Veterans Day – City Offices Closed
Nov 12	Transportation Study Draft Report Anticipated to be Delivered
Nov 15	7:30 p.m. – City Commission Meeting
Nov 29	4:30 p.m. – Solid Waste Study Commission Workshop Proposed
Nov 30	7:00 p.m. – Transportation Study Public Hearing

Commissioner Spannring stated that he heard from an out of town individual who had nice things to say about the Police Department and their helpful attitude.

Commissioner Spannring stated that the City's garbage guys do a "heck" of a good job.

Commissioner Dahl questioned City Attorney Becker when the staggered City Commission terms would be effective if passed by the voters on Tuesday. Mr. Becker stated if passed, it would go into effect January 2001.

Commissioner Dahl asked for Commission concurrence to bring the proposed Sexually Oriented Business zoning requirements before the Commission at their next meeting. The Commission concurred.

Commissioner Dahl again spoke her concerns of the crosswalk in front of the City/County Building. Ms. Dahl questioned if an officer could monitor the crosswalk and take down license plate numbers of the vehicles that do not stop for pedestrians. Police

Chief McCann stated that the person driving would need to be recognized for the citation and not who the vehicle is registered under.

Commissioner Mikesell asked the Police Chief if this item could be addressed on the PD radio talk show. Chief McCann stated that it has been addressed twice and he will do it again.

Commissioner Dahl questioned City Manager Golnar regarding the insurance on the City/County Building. Mr. Golnar stated that the building is over insured at this time and that the City and the County have not reviewed their insurance coverages together.

Commissioner Dahl commented on the tax breaks that are given to business's in the community and that Randy Peterson of LRC has his fitness center for sale. Ms. Dahl commented that there may be an interest in the community to make this center into a swimming pool.

Commissioner Dahl commented on the Sidewalk Ordinance and hopes that the new Commission will be able to enforce ordinances, and if not, pull them from the books.

Commissioner Dahl questioned Mr. Golnar why the section in the Finance Officer's contract, "employee's working outside their jobs" was in there. Mr. Golnar stated that he was referring to City Policy regarding employee's working outside their jobs.

Bob Ebinger addressed the Commission with two questions. One pertaining to the Decay Ordinance and why cars are excluded, and the other regarding Resolution No. 3047, taking a loan from the General fund to Recreation fund. Mr. Ebinger questioned why it could not be a dispersal as opposed to a loan.

Mr. Golnar explained for Mr. Ebinger that the loan was proposed verses a dispersal to allow for tracking of revenues and expenditures associated with the event and with the hope that the event would cover its costs, by paying the loan back, generating an operating fund kitty and in addition, it might hopefully be able to fund recreation improvements.

Chairman Doyle stated that the City Planner will be looking further into the Decay Ordinance and why cars are excluded.

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

The time was 8:46 p.m.

ATTEST:

  
RECORDING SECRETARY

APPROVED:

  
CHAIRMAN, CITY COMMISSION

Livingston  
City Commission Meeting

November 15, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 15, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Sheryl Dahl, Fred Hall, Mike Doyle and Pat Mikesell. Commissioner Bill Spannring was absent.

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

- November 1, 1999 regular City Commission meeting minutes;
- Accept the bills and claims in the amount of \$105,299.40.

All in favor. Motion passed.

Chairman Doyle proclaimed the support of Buddy Poppies on Saturday, November 13<sup>th</sup> in honor of Veteran's Day on November 11<sup>th</sup> in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance request from 1<sup>st</sup> Bank of the Rockies, 1203 W. Park Street. They requested a variance from the application of the Livingston Sign code as they wish to install an electronic message board as part of their free-standing sign for this business. The City's sign code does not allow the use of "animated" signs except for time and temperature signs and these are allowed only in the Central Business District zone. 1<sup>st</sup> Bank of the Rockies property is zoned Neighborhood Commercial and their plan is for the message board to display public information, bank advertisements and time and temperature. Mr. Woodhull stated that a quorum was not present at the Board of Adjustment's meeting, therefore, the Board made no recommendation. The public hearing was held as advertised.

Joel Guthals, a Billings attorney for the bank addressed the City Commission in favor of granting the variance.

Amy Titgemier and Caron Cooper spoke opposed to the variance.

Motion was made by Dahl, second by Mikesell, to accept staff's finding of fact to disapprove the variance request. The vote was three in favor. Hall opposed. Motion passed.

Motion was made by Dahl, to deny the variance. Motion died due to lack of a second.

Motion was made by Hall, second by Dahl, to approve the variance. The vote was Mikesell, Dahl and Doyle opposed. Hall in favor. Motion fails.

Motion was made by Dahl, second by Mikesell, to approve Resolution No. 3053, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RESCINDING RESOLUTION NO. 3033.

A correction was made to the resolution on the paragraph, "Now, therefore".....that Resolution No. 33 be changed to Resolution No. "3033".

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to take off the table, Resolution No. 3047, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING LOAN OF \$8,000.00 FROM GENERAL FUND #1000 TO RECREATION FUND #2210 FOR A COMMUNITY SUMMER EVENT. All in favor. Motion to take off the table passed.

City Manager Steve Golnar explained the changes that were made to the Resolution as requested by the City Commission at the last meeting.

Motion was made by Dahl, second by Mikesell, to amend the resolution by adding the last two "whereas's" and amending the "Now, therefore" ...the rate of 2% per annum and "may" be changed to "shall"....

All in favor of the amendment. Amendment passed.

All in favor of the original motion from November 1, 1999. Motion passed as amended.

Resolution No. 3051, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING JOB DESCRIPTIONS FOR EXEMPT EMPLOYEES.

A motion to accept the resolution was made by Dahl, but upon further discussion by the Commission, Ms. Dahl withdrew her motion.

Commissioner Hall stated that the enclosed job descriptions were too extensive to finish reviewing before this meeting and asked that they be brought back to the Commission in two weeks. The rest of the Commission concurred.

No action was taken.

Resolution No. 3052, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING FAIR LABOR STANDARDS ACT OVERTIME EXEMPT EMPLOYEES.

The Commission concurred to hold this resolution until the next meeting.

No action was taken.

Commission and staff discussion took place on a proposed ordinance for Sexually Oriented Businesses that was included in the packet.

Motion was made by Dahl, second by Mikesell, to refer this ordinance to the City/County Planning Board for their review and recommendations.

Three in favor. Hall opposed. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve the City Manager's recommendations for FY 2000-2001 Street Maintenance District Boundaries.

All in favor. Motion passed.

The City Commission reviewed concerns regarding stop signs being removed on West Cambridge and 12<sup>th</sup> Streets. A letter was included in the packet from John Orndorff requesting that the stop signs be reinstalled.

Commissioner Hall stated for the record that two residents who would like the stop signs replaced have contacted him.

Discussion took place about the possibility of changing Cambridge to a through street. City staff will look into this.

The Commission concurred that staff cut back or remove the tree and reinstall the stop signs.

Discussion was heard regarding the cross walk in front of the City/County Building. Supt. of Public Services Ken Kastelitz recommended that the cross walk be moved to the intersection on Callender and E Streets. He estimated the cost would be approximately \$300.

City Manager Golnar's recommendation is to keep the cross walk at mid street and follow Mr. Kastelitz's second recommendation to install additional cross walk signs, eliminate two parking spaces in front of the City/County Building for increased cross walk visibility and increase the cross walk line to 24 inches wide. The estimated cost would be approximately \$1000.

Commission Dahl stated that she would rather have the City take the enforcement route first.

Motion was made by Dahl, second by Mikesell, to go with the City Manager's recommendation and to add three additional 15 minute parking places behind the City/County Building for the public.

Mr. Golnar will ask the County Commissioners if they will pay 50% of the project.

All in favor. Motion passed.

City Manager Golnar provided the Commission with a "3<sup>rd</sup> Draft Recommendation" regarding the City's consideration of the County's request for City functions to be located at the proposed East I-90 Interchange.

The Commissioners concurred with Mr. Golnar's recommendations. Mr. Golnar also noted that the Communications Advisory Board will be meeting Monday, November 22<sup>nd</sup> at 3:30 p.m. to further discuss this issue and representatives of the City have been requested to meet with the



County commission and the Sheriff to discuss the possibility of a coordinated Dispatch being part of the facility but not part of the jail.

No other action was taken.

The City Commission was in concurrence to still move forward with the appraisal of the Old East Side School.

Motion was made by Dahl, second by Mikesell, to authorize payment to Big Sky Asphalt in the amount of \$9,336.27, with liquidated damages to be retained by the City in the amount of \$1,600 and engineering fees above the initial project scope to be paid to TD&H Engineers in the amount of \$2,051.37.

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to authorize payment to TD&H Engineers in the amount of \$2,179.34 for Bike/Pedestrian Path Services.

All in favor. Motion passed.

Motion was made by Mikesell, second by Dahl, to authorize payment to Montana Rail Link in the amount of \$1,748.57 for installation of rail crossing for Bike/Pedestrian Path.

Commissioner Dahl questioned when will the City know if CTEP will pay for the Montana Rail Link bill. Mr. Golnar reported that he has spoken with Mr. Ed Hedlund of CTEP who has indicated that if it is below \$2,000, CTEP will depend on local discretion.

All in favor. Motion passed.

Department Head monthly reports were included for the Commission's information.

Fire Chief Robert Schmidt informed the Commission that Firefighter Jason Rigsby and his wife Kerry, had a baby girl last Thursday, and Firefighter Pat Walker and his wife Kim, had a baby boy earlier today.

The following City Manager Comments were included for the Commission's information:

- Mr. Golnar has two employee evaluations to go.
- A City Commission-elect orientation meeting is tentatively scheduled for December 13<sup>th</sup>, 7:00 p.m. Mr. Golnar will also be working on other workshop schedules and tours.

- Follow up was provided on concerns with Vince's Automotive shop on 6<sup>th</sup> and Chinook Streets. Commission and staff commented that some clean up was going on.
- Fred Hall was appointed to the Communications Advisory Board as a citizen member effective 1/1/2000.
- Request for proposals for engineering of the Infrastructure Program, SID engineering related activities, and for a Waste Water Facility Study will be distributed this month.
- Update on Infrastructure Committee meeting and plan to develop a five year plan for infrastructure improvements.
- Advance Measures Levee removal status – a final walk through was held on November 8<sup>th</sup>. FEMA has released funding for the project and the City has received the majority of the funding at this time.
- East Livingston Urban Renewal/Beautification Project – the Committee is looking for a facilitator to assist in developing and prioritizing issues.
- Holiday Lights, Inc. – The City/County Building will be included in purchasing some lights for the building this holiday season.
- The draft Urban Highway proposal has been given the go ahead for further refinement by the Montana Transportation Commission.
- Concept papers for AmeriCorp funding will be received by the Governor's office until February 4, 2000.
- The following calendar of events and activities was provided for the Commission's information:
  - Nov 15<sup>th</sup> 7:30 p.m. – City Commission Meeting
  - Nov 16<sup>th</sup> 4:00 p.m. – PCEDC – 1<sup>st</sup> Interstate Bank (Manager to attend)
  - Nov 16<sup>th</sup> 7:00 p.m. – Upper Yellowstone River Task Force – Best Western Yellowstone Motor Inn – See enclosed agenda
  - Nov 22<sup>nd</sup> 3:30 p.m. – Special Meeting with Communications Advisory Board to discuss Detention Committee's recommendation to locate Detention Facility at East Interchange location and any revisions or refinements to its recommendation to the County Commissioners, City and Detention Committee relating to the Communication's Center.
  - Nov 25<sup>th</sup> Thanksgiving – City Offices Closed
  - Dec 1<sup>st</sup> 4:30 p.m. – City/County Meeting
  - Dec 6<sup>th</sup> 3:30 p.m. – Communications Advisory Committee Meeting
  - Dec 6<sup>th</sup> 7:30 p.m. – City Commission Meeting
  - Dec 8<sup>th</sup> 4:00 p.m. – Infrastructure Meeting – Utility Building

- Dec 9<sup>th</sup> 10:00 a.m. – Workshop on Subdivision Review –  
Community Room – See enclosed November 1, 1999  
memo
- Dec 13<sup>th</sup> 7:00 p.m. - Proposed Commission Orientation  
Workshop
- Dec 14<sup>th</sup> 7:00 p.m. – Possible East Livingston Beautification  
Meeting
- Dec 20<sup>th</sup> 7:30 p.m. – City Commission Meeting  
Week of December 22<sup>nd</sup> or later – Meeting with County  
Commissioners and Sheriff regarding coordination of  
Dispatch/Communications Center at East  
Interchange location – Date time and location to be  
determined
- Dec 23<sup>rd</sup> Christmas Holiday – City Offices Closed (Thursday)
- Dec 24<sup>th</sup> Christmas Holiday – City Offices Closed (Friday)
- Dec 29<sup>th</sup> 4:00 p.m. – Infrastructure Meeting – Utility Building
- Dec 31<sup>st</sup> New Year's Day Holiday – City Offices Closed  
(Friday)

Chairman Doyle stated that in appreciation of City employees and with the upcoming Thanksgiving holiday, he would like to see of the possibility of giving turkeys to the employees.

City Manager Golnar stated that he did not know if this was legal and would look into it.

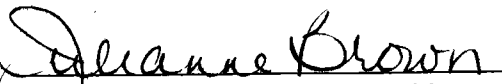
City Commissioner Dahl also thanked staff for all their work and stated that if turkeys were given to the employees, they could donate them to the Community dinner.

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

The time was 9:37 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

December 6, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 6, 1999, 7:30 p.m., in the Community Room at the City/County Building. City Commissioners present were Pat Mikesell, Sheryl Dahl, Fred Hall and Mike Doyle. Commissioner Bill Spannring arrived at 7:31 p.m.

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

- November 15, 1999 regular City Commission meeting minutes.
- Accept the bills and claims in the amount of \$181,271.24.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to direct the City Attorney to prepare a deed and real estate transfer document to accept donated Lots 31 & 32 of Block 32 in the Palace Addition from the estate of Mr. Claude Hookham upon receiving the assessed value of the property.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to authorize the Attorney to draw up a road easement at the request of Dan Kaul for property at the Montague Addition and to also incorporate a reverter into the easement request.

All in favor. Motion passed.

Discussion took place on the topic of the City entering into a contract with Urban Design Studio for East Livingston Urban Renewal and Beautification Issues Identification and Prioritization.

City Manager Golnar stated that he does have funding commitments from Montana Rail Link for \$500, the Chamber of Commerce will donate lodging and meals, and PCEDC stated that they will contribute \$300-\$500 in support and the Federal Home Loan Bank of Seattle is being asked for grant support through 1<sup>st</sup> Interstate Bank for technical assistance.

This item will be postponed until next year. No action was taken.

Motion was made by Dahl, second by Mikesell, to approve the City Manager's letter of support of the Indian Memorial at the Little Big Horn Memorial Monument as requested by Mr. Chauncy F. Whitwright III.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to authorize the Chairman of the City Commission to sign CTEP participation form for FY 2000.

All in favor. Motion passed.

The following City Manager Comments were provided for the Commission's information:

- A list of items to be returned by the outgoing City Commission.
- Red Cross presents the Good Neighbor Award to the Fire Department for their Senior Assistance Program.
- School District safety and Transportation concerns – Mr. Golnar along with the appropriate Department Heads will be attending a meeting on January 11, 2000 with the School District.
- City/County Issues:

- Mr. Golnar gave a report on the status of the Detention Committee that met earlier in the day. He also read a letter from the County Commissioner's he received earlier in the day stating that they would like to take over the dispatch and 911 system.

Commissioner Dahl stated that she feels very strongly about incorporating a juvenile center into the architectural plans. Ms. Dahl stated that if this center cannot be incorporated she would like to see the reasoning why. The remainder of the City Commission concurred with Ms. Dahl regarding a regional juvenile facility.

Mr. Golnar will write a letter to the Detention Committee.

- Mr. Golnar read a letter from the County Commissioner's that he received earlier in the day relating to the City's request that the County pay for half of the cross walk upgrade in front of the City/County Building. The letter stated that the County filled the underground diesel tank in the back parking lot at the building and they felt that the City could provide the cross walk upgrade. City Commission discussion was heard, with Commissioner Dahl stating that since the diesel was a reusable source, the City should get a portion of the diesel. Mr. Golnar will report back to the County Commission.
- A committee of Jim Hunt, Shirley Ewan and Steve Golnar will get together to discuss how alternatives can be developed for sharing insurance for the City/County Building.
- The generator diesel tank as filled on December 2, 1999.

- Tire and rims were picked up by City crews December 1, 1999 from Vince's Automotive at 607 W. Chinook. Efforts to work with Mr. Schaeffer continue.
- Mr. Golnar has reviewed the trimming of the tree at 12<sup>th</sup> and Cambridge Streets with Nelson's Tree Trimming. Once the tree is trimmed, the stop signs will be reinstalled.
  - Commissioner Mikesell stated that a number of residents in this area have contacted him and will be at the next meeting requesting that Cambridge Street be made into a through street.
- The Sexually Oriented Business zoning code revision has been referred to the Zoning Commission. The City should hear from them in January or February.
- Enclosed in the packet were two letters Mr. Golnar sent to Dennis Glick and Bob Wiltshire requesting assistance on developing a plan and technical assistance for the Mayor's Landing and Fleshman Creek clean up development. Mr. Golnar stated that the City will trade services with Yellowstone National Park for landscape architecture services and Koji will be helping the Park Service with Japanese translation of some of their brochures.
- A letter to staff was included for the Commission's information, providing further direction on the Wellhead Protection Development.
- Section 205 Study – Mr. Golnar sent out a second request for information to property owners identifying the cost and value of buildings and structures in the flood plan that may be damaged.
- A November 19, 1999 letter in regards to the Livingston Rail Yard Remediation progress was provided for the Commission's information.
- Mr. Golnar anticipates receiving the Solid Waste Collection System Study report from the consultant in mid-December. A City Commission workshop will be held sometime in January.
- The Chinook Street Project is substantially complete at this point.
- A Levee Removal Project summary was provided for the Commission's information. The engineer is currently working on documentation to FEMA for the City's final reimbursement request.
- A financial update on the bike path was provided for the Commission's information. Pending is the inspection of the irrigation system and final payment of 10% of that work.
  - Commission Mikesell questioned the painting of the crosswalks. Mr. Golnar will write to MDT to find out when crosswalks will be painted on the bike path.
- Mr. Golnar commented on the unauthorized paving of South 8<sup>th</sup> Street off of River Drive.
- Calendar of Events:
  - Dec 6<sup>th</sup> 7:30 p.m. – City Commission Meeting

- Dec 8<sup>th</sup> 4:00 p.m. – Infrastructure Meeting – Utility Building  
 Dec 9<sup>th</sup> 10:00 a.m. – Workshop on Subdivision Review –  
 Community Room – See enclosed November 1, 1999  
 memo  
 Dec 9<sup>th</sup> 3:30 p.m. – Parking Task Force  
 Dec 13<sup>th</sup> 7:00 p.m. – Proposed Commission Orientation Workshop  
 Dec 15<sup>th</sup> 7:00 p.m. – Transportation Study Public Hearing –  
 Community Room  
 Dec 20<sup>th</sup> 7:30 p.m. – City Commission Meeting  
 Dec 21<sup>st</sup> 4:00 p.m. – Park County Economic Development  
 Corporation Meeting – 1<sup>st</sup> Interstate Bank  
 Dec 23<sup>rd</sup> Christmas Holiday – City Offices Closed (Thursday)  
 Dec 24<sup>th</sup> Christmas Holiday – City Offices Closed (Friday)  
 Dec 31<sup>st</sup> New Year's Day Holiday – City Offices Closed (Friday)  
 Jan 3<sup>rd</sup> 7:00 p.m. – Oath of Office  
 Jan 3<sup>rd</sup> 7:30 p.m. – City Commission Meeting

Commissioner Spannring thanked City employees for all of their work, the Fire Department and the Fire Chief.

Commissioner Hall requested that extra time be given on the next agenda for the Transportation Plan.

Commissioner Mikesell stated that he hopes someone on the new Commission will stay involved with the Sister Cities Program.

Commissioner Dahl commented on the Skateboard Park and that she has thought more about the possibilities of the park being built on the flood plain as there is not many places to put it. Ms. Dahl's other suggested was locating it on City land out by the bowling alley.

Supt. of Public Services Ken Kastelitz questioned the Commission if they had a name for the City sponsored summer event next year. They stated that they did not another name other than what the Committee proposed, "Summerfest Along the Yellowstone".

Bob Ebinger addressed the City Commission to thank Mr. Golnar for his prompt phone call and answer back to him relating to the Urban Design Studio.

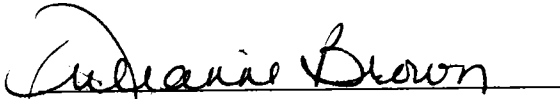
Chairman Doyle stated that the City Commission would go into executive session as the merits of individual privacy exceed the merits of public disclosure. The Commission went into closed session at 8:23 p.m. for the City Manager's evaluation.

Chairman Doyle opened the meeting, and a motion was made by Mikesell, second by Hall, to adjourn the meeting there being no further business. Motion passed.

The time was 9:25 p.m.

ATTEST:

APPROVED:

  
RECORDING SECRETARY

  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

December 20, 1999  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 20, 1999, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Pat Mikesell, Bill Spannring, Sheryl Dahl and Fred Hall.

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

- December 6, 1999 regular City Commission meeting minutes;
- Accept the bills and claims in the amount of \$108,473.37;
- Approve Fire Chief outside employment; and,
- Approve proposal policy for Spring clean up for 2000.

City Manager Golnar noted that a claim to CTA Architects for \$4,000 was included in the bills. This claim was for architectural services for the proposed Detention Center.

Commissioner Dahl questioned if the City was obligated to pay for these services and also questioned what the City received for the \$4,000 service. Mr. Golnar stated that at the City/County Meeting in January, the City Commission could ask that question and he will follow up with Ms. Dahl's question to the County Commission. Mr. Golnar stated that the City has been billed the \$4,000 lump sum with no backup showing what it was for.

Motion was made by Dahl, second by Mikesell, to amend the consent items by withdrawing the \$4,000 claim to CTA Architect Engineers until the second meeting in January. All in favor of the amendment. Amendment passed.

Commissioner Dahl questioned the City Manager on how the public was going to be notified of the Spring Clean Up Policy for 2000. Ms. Dahl also voiced her concerns on how citizens were to get larger items picked up if spring clean up was only to last two week. Mr. Golnar stated that he will see what can be picked up and get back to the Commission at the next meeting. Ms. Dahl questioned if class four garbage could be picked up the first week of clean up and other items the next week. Commissioner Mikesell stated that he feels the same as Ms. Dahl and feels strongly about the City needing to pick up the heavy items as they have in the past. This is a good time to clean up the City. Mr. Mikesell stated that he would like to

see the same type of pick up as before. Mr. Golnar stated that the County has given the City requirements for how the City disposes of material and is not sure that the City can pick up the same items as in the past, in a two week time frame with the additional limitations. Ms. Dahl suggested that the City go back to the County asking for a four week window for dumping at the landfill. Motion was made by Dahl, second by Mikesell, to pull item "D" from the consent items for further discussion and a possible change in the policy to make sure that most of the big trash can be picked up. Ms. Dahl suggested that possibly the Fire Department could help out in some way.

Four in favor of the motion to pull item "D", Doyle opposed. Motion passed.

Commissioner Mikesell commented on the item approving the Fire Chief outside employment. Mr. Mikesell stated that he does not have a problem if the Fire Chief has outside employment, but that this request is after the fact.

All in favor of the consent items as amended. Motion passed.

City Planner Jim Woodhull gave background information on a variance request from Park County Rural Fire at 304 E. Park Street. They are requesting a variance from the front setback requirement for Highway Commercial zoning districts as they wish to build an addition onto their building which would be approximately 18 feet from the front property line. Code requires a 20 foot front setback.

Motion was made by Dahl, second by Mikesell, to approve the Board of Adjustments finding of fact. All in favor. Motion passed.

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

City Planner Woodhull gave background information on a variance request from Virginia Ward at 614 W. Chinook Street. Ms. Ward is requesting a variance from the side setback requirements for RII zoning districts as she wishes to construct an addition onto her existing home which, like the existing structure, would be three and one half feet from the side property line. Code requires a five foot side setback.

Motion was made by Spannring, second by Mikesell, to approve the Board of Adjustments finding of fact. All in favor. Motion passed.

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

Motion was made by Spannring, second by Dahl, to bring off the table, Resolution No. 3042, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CITY MANAGER EMPLOYMENT AGREEMENT BY GIVING A 2.7% PAY RAISE FOR FISCAL YEAR 1999-2000. All in favor. Motion passed.

The vote on the original motion made at the October 18, 1999 meeting, was all in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to bring off the table, Resolution No. 3046, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT OF EMPLOYMENT FOR THE FINANCE OFFICER. All in favor. Motion passed.

The vote on the original motion made at the October 18, 1999 meeting, was all in favor. Motion passed.

City Manager Golnar deferred the following Resolutions until another meeting:

- Resolution No. 3051, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING JOB DESCRIPTION FOR EXEMPT EMPLOYEES AND AMENDING FINANCE OFFICER JOB DESCRIPTION;
- Resolution No. 2052, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING FAIR LABOR STANDARDS ACT OVERTIME EXEMPT EMPLOYEES;
- Resolution No. 3053, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A COMPENSATORY TIME POLICY FOR NON-EXEMPT CITY EMPLOYEES AND REPEALING RESOLUTION NO. 2053; and,
- Resolution No. 3057, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING ADMINISTRATIVE LEAVE FOR EMPLOYEES EXEMPTED FOR OVERTIME BY THE FAIR LABOR STANDARDS ACT (FLSA).

Motion was made by Mikesell, second by Dahl, to approve, Resolution No. 3054, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING PAY POLICY FOR RESERVE FIREFIGHTERS. Reserve Firefighter President Wendy Wood addressed the Commission for clarification of the policy as presented to the Reserve Firefighters by the Fire Chief.

All in favor. Motion passed.

Motion was made by Mikesell, second by Spannring, to approve Resolution No. 3055, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CHANGE ORDER FOR THE BICYCLE/PEDESTRIAN PATH.

All in favor. Motion passed.

Motion was made by Dahl, second by Mikesell, to approve City Manager Golnar's draft letter to Park County responding to their request to take over Dispatch.

Commission discussion was heard.  
All in favor. Motion passed.

City Manager Golnar summarized the Transportation Study. The comment period lasts until December 23<sup>rd</sup>. Mr. Golnar stated that he might ask for an extension for the City to accumulate the public comments.

Mr. Golnar stated that the stop sign at Cambridge and 12<sup>th</sup> Streets would be reinstalled tomorrow.

City Manager Golnar summarized a unique situation of the unauthorized paving of south 8<sup>th</sup> Street. The City's concern is that, it is unknown what specifications were used to pave the street and the City does not know how to predict how long the street is going to last, or if the City will run into storm drainage issues as there was not a drainage plan. Mr. Golnar requested comments and approval from the City Commission on his draft letter.

Motion was made by Spanring, second by Dahl, to approve the City Manager's draft letter to Ms. Natalie Jenkins for unauthorized paving of the 600 block of south 8<sup>th</sup> Street.

Comments and discussion were heard by members of the City Commission and staff. Included were options provided by engineer Scott Nelson for the City's review. Chairman Doyle questioned if there was something on the City books that covers this type of situation and if not, should there be.

An amendment to the motion was made by Hall, second by Spanring, to amend the letter to specifically instruct whoever is involved here, that the City is not accepting the street, that come Spring, the City will be testing it to determine whether or not the City is going to leave it in place.

The vote on the amendment was four in favor, Mikesell opposed.  
Amendment passed.

The vote on the main motion was all in favor. Motion passed.

Commission discussion took place on a letter from Julie Fink-Hollar requesting on behalf of her aunt Jodi Fink, that an ordinance be passed preventing any more cutting down of trees, and replacing lawn or boulevard areas with cement.

City Manager Golnar recommends that the City Commission refer this request to the Infrastructure Committee for a recommendation.

Commissioner Dahl commented on a Tree City USA program.

Motion was made by Dahl, second by Mikesell, that the City have the Infrastructure Committee look at the possibility of an ordinance preventing

cutting down of trees or replacing lawns on boulevards with cement and other things.

All in favor. Motion passed.

The Commission was asked to consider a request for Livingston's participation in the Missouri River Drug Task Force for FY 2000-2001. City Manager Golnar stated that he is concerned about the City entering into a contract for fiscal year 2000-2001 in January of 2000. This would be inconsistent with the City's fiscal year. Mr. Golnar suggested that this item is referred to the City/County meeting on January 5th.

City Manager Golnar updated the Commission relating to the consideration of terminating Big Sky Asphalt's contract for the Chinook Street project.

City Attorney Becker stated that he has made numerous calls and has sent a letter to Mr. Sabo, but none of his calls have been returned or the letter acknowledged.

Motion was made by Hall, second by Mikesell, to begin the termination process. All in favor. Motion passed.

Department Head monthly reports and other minutes were included for the Commissions information.

The following City Manager Comments were provided for the Commissioners information:

- City Manager Golnar recognized Chief McCann and the Police Department for their quick action in responding to the recent homicide and investigation. Letters of commendation to the officers involved from Chief McCann were included in the packet. City Commissioner Dahl praised the Police Department.
- Mr. Golnar reported that the County will stick with their initial offer of filling the diesel tank in exchange for the City improving the crosswalk in front of the City/County Building. Mr. Golnar has instructed Supt. of Public Services Ken Kastelitz to order the materials. This will be installed in the Spring.
- The stop sign at 12<sup>th</sup> and Cambridge Streets will be reinstalled tomorrow.
- Mr. Golnar updated the Commission on the status of the levee removal. The Commission was in concurrence that "as built" final survey drawings should be pursued. The cost of the re-surveying and development of the final elevation is approximately \$3,800.
- Mr. Golnar reported that management is currently reviewing the Fire Department's residency requirement to determine if the policy needs some fine tuning for clarification.

- Included was the status of the Section 205 Study structural damage estimates.
- Mr. Golnar provided an updated report on the status of Y2K preparedness. Supt. of Public Utilities Clint Tinsley explained a sewer power problem that recently occurred in his department which called for use of the back up generators. Mr. Tinsley explained that everything went well and there was good response time from his crew.
- Mr. Golnar reported that staff is investigating what the City's options are relating to concerns with the Denton Subdivision and with the street sinking.
- A wildlife relocation program schedule for 2000 was enclosed.
- Mr. Golnar provided the Commission with a goals status report as of December 99. Commission Dahl stated that she would like to see a covered swimming pool incorporated into these goals.
- Mr. Golnar provided the City Commission with a pending tasks list and asked that they be reviewed.
- Calendar of events and activities:
 

Dec 20 <sup>th</sup>	7:30 p.m. – City Commission Meeting
Dec 23 <sup>rd</sup>	Christmas Holiday City Offices Closed
Dec 24 <sup>th</sup>	Christmas Holiday City Offices Closed
Dec 31 <sup>st</sup>	New Year's Holiday City Offices Closed
Jan 3 <sup>rd</sup>	7:00 p.m. – City Commission Elect Swearing In and Thank You to Departing City Commissioners
Jan 3 <sup>rd</sup>	7:30 p.m. – City Commission Meeting
Jan 5 <sup>th</sup>	4:30 p.m. – City/County Meeting – County Commission Chambers
Jan 10 <sup>th</sup>	7:00 p.m. – City Commission Orientation Session #3 Department Goals Reviewed
Jan 12 <sup>th</sup>	2:30 p.m. – 5:00 p.m. – City Commission Tours
Jan 17 <sup>th</sup>	Martin Luther King Day City Offices Closed
Jan 18 <sup>th</sup>	7:30 p.m. – (Tuesday) City Commission Meeting
Jan 24 <sup>th</sup>	7:00 p.m. – City Commission Orientation Session #4 Legislative Issues
Jan 26 <sup>th</sup>	2:30 p.m. – 4:30 p.m. – City Commission Tours

Mr. Golnar invited the outgoing Commission to the next meeting for a reception after the swearing in of the new Commission.

Commissioner Dahl thanked the staff for cleaning up Resolution No. 3406.

Commissioner Dahl questioned the City Manager on what he has found out about the building insurance. Mr. Golnar responded that the City and the County should enter into a interlocal agreement.

Commissioner Dahl thanked staff and the public for the 6 years she has been on the Commission.

Commissioner Mikesell stated that he hopes the next Commission will take on cleaning up the City Ordinance book.

Commissioner Mikesell hopes that Chairman Doyle will stay on top of the Skate Park issue.

Commissioner Mikesell thanked staff and the public for the 8 years he has served the City.

Commissioner Hall stated that the City cannot ignore the Gallatin Street hill, as it is a safety issue. The City needs to maintain the snow removal and sanding of this short hill.

Commissioner Hall commented on the Transportation Study and went on to say how important the Department of Transportation is to our community and the City needs to work with them as they have money to spend here. Mr. Hall stated that it will be the responsibility of the new Commission to work with the Department of Transportation in the spirit of cooperation and planning.

Commissioner Hall stated that he has enjoyed working with the Commission and that he has had a pleasant 6 years serving as a Commissioner. Mr. Hall thanked staff and stated that they do an excellent job.

Commissioner Spannring stated "ditto" to all that Mr. Hall said. Mr. Spannring stated that the City has a great staff and that it has been a real pleasure working with this Commission.

Chairman Doyle stated that the Skate Park meeting was postponed due to the holidays and is rescheduled for January 13<sup>th</sup>.

Chairman Doyle "echoed" Mr. Hall's spirit of cooperation remarks.

Chairman Doyle made one more plea to the County. There is still time, as the County Commissioner's have not voted on the location for the Detention Center and he feels that the matters with dispatch, communications and coordination between law enforcement can be easily put together.

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

The time was 9:10 p.m.

ATTEST:

APPROVED:

*Arlene Brown*  
RECORDING SECRETARY

*Mike O'Connell*  
CHAIRMAN, CITY COMMISSION