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LIVINGSTON  
CITY COMMISSION MEETING

January 2, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, January 2, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Caron Cooper, Vicki Blakeman, Matt Henry, Tim Stevens, and Mike Doyle.

Commissioner Stevens nominated Caron Cooper for the Chair position. Chairman Doyle closed nominations. The vote was five in favor. At this time Mr. Doyle passed the gavel to Ms. Cooper.

Commissioner Blakeman nominated Tim Stevens for the Vice-Chair position. Commissioner Doyle nominated Matt Henry for the Vice-Chair position. Chairwoman Cooper asked for written votes. The vote was three votes for Stevens, two votes for Henry. Commissioner Stevens will be the Vice-Chairman.

Motion was made by Blakeman, second by Henry, to approve the following consent items:

- Approve the December 18, 2000 regular City Commission meeting minutes;
- Accept the bills and claims in the amount of \$37,119.85; and,
- Confirm the City Manager's permanent appointments of Michelle Puetz and Michael Chambers in the position of Firefighter's for the City of Livingston.

Fire Chief Robert Schmidt presented Ms. Puetz and Mr. Chambers to the City Commission.

All in favor. Motion passed.

Motion was made by Stevens, second by Doyle, to approve Resolution No. 3145, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH ACCESS DATA CORPORATION TO PROVIDE SLEUTH SOFTWARE AND TRAINING.

Chairwoman Cooper stated that on page 20 of the packet, it should read State of Montana instead of New Mexico.

Discussion was heard by the Commission about the reputation of the company and future updating of the software. Acting Police Chief Darren Raney answered questions. Acting Chief Raney also stated that \$2,471.75 will need to be budgeted next year for next budget year's support of the software.

All in favor. Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3146, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH RANDALL

SCHUMACHER, d/b/a/ COMPUTER CARE TECHNOLOGY TO PROVIDE A NETWORKED MULTI-MEDIA COMPUTER SYSTEM FOR THE POLICE DEPARTMENT.

City Manager Steve Golnar explained how Mr. Schumacher was chosen. Acting Chief Raney explained the costs.

Chairwoman Cooper noted that she would like cleaner figures on the contracts in the future.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3147, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH DOUG DUNN, d/b/a/ HIGH COUNTRY COMMUNICATIONS TO ADD THREE POSITIONS TO THE 911 CONSOLE.

An amendment to the motion was made by Stevens, second by Blakeman, to fill in the blanks of the General Construction/Service Agreement as follows:

- Page 1, #B.: the addition of 3 positions to the 911 console as described in the attached December 5, 2000 proposal;
- Page 3, #3.:...on or before 2/15/01 and complete the Scope of Services by 3/15/01; and,
- #3, Page 4, 1<sup>st</sup> paragraph: to be deleted.

All in favor of the amendment. Amendment passed.

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

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

- The Dispatch Remodel bids have all been rejected and the project is in the process of being rebid. The contract will be awarded at the next Commission meeting.
- The City has also gone back out to bid for the Dump Truck. The bid will be awarded at the next Commission meeting.
- Answers from MDT on Chairwoman Cooper's questions will be put in the Commission's box when received.
- Great Bend of the Yellowstone Lewis & Clark status was enclosed for the Commission's information.
- A memo concerning the light shield on North 9<sup>th</sup> street was enclosed.
- A letter to Engineer Scott Nelson regarding the street reconstruction for 6<sup>th</sup> - 9<sup>th</sup> Streets and Callender Street and Mr. Nelson's reply was enclosed.
- A letter to Cole and Michelle Ingram regarding the sale of City property was enclosed.

Commissioner Henry questioned the winter shutdown cost breakdown. City Manager Golnar stated that change orders will come before the Commission at their next meeting and more detailed information on the barricade costs will be provided.

Commissioner Blakeman questioned when the re-request for bids for the Dispatch remodel will be in. Finance Officer Shirley Ewan stated January 12<sup>th</sup>.

No public comments were heard.

Commissioner Henry Comments:

- Questioned the Dispatch Remodel further.
- Questioned the deadline for the City Office Remodel. Finance Officer Ewan stated that the project needs to be completed by January 17<sup>th</sup>.
- Suggested a suggestion box for the public in the City Office.
- Questioned the status of the City Attorney's contract and that it was extended to the 1<sup>st</sup> of January, and nothing has come before the Commission as of yet. Mr. Golnar stated that he will bring the contract back to the next meeting.
- Questioned Supt. of Public Services Ken Kastelitz if he had followed up with last meetings ice rink questions. Mr. Kastelitz stated that he hasn't.

Commissioner Stevens Comments:

- Stated that PCEDC's contract expired last year and wanted to know when the contract was going to be discussed. City Manager Golnar stated that more information would be provided at the next meeting.
- Stated that he has been in contact with people in Bozeman regarding an ice rink. Mr. Stevens stated that there is a person in Big Sky that has an ice rink for sale, and he will be finding out in the next couple weeks how much it would cost. Mr. Stevens said that there is money available to pay for an ice rink through NHL and will be following up.

Chairwoman Cooper Comments:

- Commented that Box Store discussions were to be held on the 2<sup>nd</sup> meeting in January. Mr. Stevens commented that he was wanting to do something in support of Bozeman and that could this item be placed as a worksession. City Manager Golnar will coordinate a date with the Chamber of Commerce.
- Questioned the Commission on how they would like the meetings to be run. The Commission will get back to her.
- Stated that there is a Red Cross Blood Drive at the Moose Lodge on January 4<sup>th</sup>.

Commissioner Doyle stated the meetings need to be run as formally as possible.

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

The time was 8:21 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

January 16, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, January 16, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were, Tim Stevens, Mike Doyle, Caron Cooper, Vicki Blakeman, and Matt Henry.

Motion was made Doyle, second by Blakeman, to approve the following consent items:

- Approve January 2, 2001 regular City Commission meeting minutes;
- Accept the bills and claims in the amount of \$86,070.49;
- Department Head Monthly Reports and other meeting minutes;
- Award bid for Skid Steer to Tractor & Equipment in the amount of \$20,462.00;
- Award bid for Dump Truck to Motor Power Equipment in the amount of \$47,039.00, with a 5 year lease/purchase payment of \$10,527.31 per year. Chairwoman Cooper requested that in the future, the budget price also be included in the memos of recommendation; and,
- Award bid for Dispatch Remodel to Kovash Construction in the amount of \$13,421.00.

All in favor. Motion passed.

A public hearing was held on HRDC's application for Low Income Housing Tax Credits for the proposed rehabilitation of the Miles Building. Jeff Rupp, HRDC Director of the Bozeman Office was present to provide the Commission with background information on the project.

Clare Hendrickson addressed the Commission in favor of the project.

Motion was made by Stevens, second by Blakeman, to direct the City Manager to sign a letter of endorsement for HRDC. All in favor. Motion passed.

At this time, Chairwoman Cooper moved to the one item on the addendum.

Motion was made by Doyle, second by Blakeman, to approve Resolution No.

3153,

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH KOVASH CONSTRUCTION, INC. FOR THE POLICE DISPATCH REMODEL PROJECT.

City Manager Steve Golnar stated that two bids were received. The starting date of the contract is January 17, 2001 and the job is to be completed by March 1, 2001.

All in favor. Motion passed.

Motion was made by Stevens, second by Doyle, to take off the table, Resolution No. 3105, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPOINTING CITY ATTORNEY AND APPROVING CONTRACT FOR SAID SERVICES. Four in favor. Henry opposed. Motion to take off the table passed.

Discussion was heard concerning the approval of this contract with the employees yet to be finalized through negotiation. Commissioner Henry voiced his concerns about the passing of this contract in an effort to show good faith to City employees.

Commissioner Stevens questioned the negotiation effect this would have on other City employees. City Manager Golnar responded that Mr. Becker has a contractual agreement with the City and is not a City employee and this will not effect negotiations.

Mr. Henry stated that the City needs to set examples for the employees from the top and wanted Mr. Becker to know that he was not criticizing his work, but felt that no one should receive a raise until the City employees have received theirs.

The vote to approve Resolution No. 3105 was four in favor. Henry opposed. Motion passed.

Motion was made by Blakeman, second by Doyle, to take off the table, Resolution No. 3123, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN THE URBAN HIGHWAY PILOT IMPROVEMENT PROGRAM GENERAL PROJECT DEVELOPMENT AND CONSTRUCTION AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR THE INTERSECTION LOCATED AT 5<sup>TH</sup> AND PARK STREET, LIVINGSTON, MONTANA. All in favor. Motion to bring off the table passed.

City Manager Golnar answered additional questions of the Commission. Bob Weimer commented on this issue. Commissioner Stevens commented that he appreciates the time that Chairwoman Cooper put into this issue as there is a real issue here as Livingston has a unique downtown.

Commissioner Doyle stated that 5<sup>th</sup> and Park Streets needs the attention and that the City would be going into the project as a partner to MDT.

Commissioner Blakeman commented on the open dialog that the City has had with Lynn Zanto of MDT.

Chairwoman Cooper stated that all communications went through the City Manager and thanked the Commission for tabling this item when they did.

The vote to approve Resolution No. 3123 was four in favor. Cooper opposed. Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3148, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MISSOURI RIVER DRUG TASK FORCE.

Commissioner Doyle commented and requested that staff report on what drugs and age groups are begin arrested in Livingston. The Commission was in consensus of the City Manager obtaining this information.

Chairwoman Cooper questioned the cost and the budget, that there was a \$291 short fall. City Manager Golnar stated that this will be taken from the Legislative Fund or the Drug Forfeiture Fund. Mr. Golnar went on to say that the

next Missouri River Drug Task Force meeting will be held in July and the City will find out what funds they will receive, at that time.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3149, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A CASH RESERVE/RESTRICTED ACCOUNTS POLICY AS PART OF ITS OVERALL FISCAL POLICY FOR FISCAL YEAR 00-01.

Chairwoman Cooper asked for explanation of the policy and that next time highlight the changes. Finance Officer Shirley Ewan explained that this resolution policy is required by the auditors. City Manager Golnar explained a couple of the negative balances.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Rescution No. 3150, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE SEWER RATES FOR ITS SEWER CUSTOMERS THAT USE 3000, 4000, AND 5000 GALLONS OF WATER PER MONTH.

Extensive discussion was heard from the Commission, with Supt. of Public Utilities Clint Tinsley answering their questions. The Commission would like to have a couple of other options for raising the rates. Supt. Tinsley will provide options for the Commission.

Motion was made by Doyle, second by Henry, to table this resolution at this time. Motion passed.

Motion was made by Doyle, second by Henry, to approve Resolution No. 3151, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CHANGE ORDER NO. 3 FOR THE CALLENDER STREET RECONSTRUCTION PROJECT.

Commissioner Henry thanked the City Manager for his follow up on this item. Mr. Henry questioned if there was anyway to protect ourselves in the future from encountering the extra cost of \$15,000 on construction projects. Mr. Golnar said that project scheduling could be improved and that staff was working on it.

All in favor. Motion passed.

Motion was made by Henry, second by Blakeman, to approve Resolution No. 5152, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CONTRACT WITH TED'S WESTERN APPLIANCE FOR HVAC MAINTENANCE FOR CITY/COUNTY COMPLEX.

City Manager Golnar will follow up on a question that Commissioner Blakeman had on the last page of the agreement.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve first reading of Ordinance No. 1903, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BY REFERENCE THE 1997 EDITION OF THE UNIFORM FIRE CODE, AMENDING ORDINANCE NO. 1785 AS CODIFIED IN SECTION 11-30 OF THE LIVINGSTON MUNICIPAL CODE.

All in favor. Motion passed.

The City Commission considered a request for waiver from the ordinance prohibiting drilling of private wells within the City from Mr. Lenny Gregrey at 429 S. 9<sup>th</sup> Street.

Commission Doyle stated that he supports Supt. Tinsley's recommendation that no wells be drilled in the City. Commissioner Blakeman agreed with Mr. Doyle and that the City needs to keep the drilling of wells for public use only.

Mr. Gregrey addressed the Commission on his behalf to drill a private well.

Discussion was heard from Commission members, staff and Mr. Gregrey.

Motion was made by Doyle, second by Blakeman, that the City Commission direct staff to bring a Wellhead Protection Ordinance back to the City Commission, contained with in the ordinance, no well drilling within the City Limits.

The vote was three in favor. Henry and Stevens opposed. Motion passed.

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

- Certified Communities agreement.
- Livingston Ditch meeting scheduled for March 5<sup>th</sup> at 6:00 p.m.
- Funding request for programs or projects at the Federal level. Discussion took place on the City's priorities and a long range list. The deadline for a list is February 11<sup>th</sup>. City Manager Golnar will get a draft list out to the Commission next week.
- Public hearing for Waste Water Treatment Plant Facilities Plan. The first public hearing is scheduled for the February 5<sup>th</sup> meeting. Supt. Tinsley stated that this is the first of several public hearings before a final plan is done.
- Calendar of activities and events:
 

Jan 15 <sup>th</sup>	City Holiday
Jan 16 <sup>th</sup>	7:30 p.m. - City Commission Meeting
Jan 17 <sup>th</sup>	3:00 p.m. - Communication's Advisory Committee
Jan 18 <sup>th</sup>	3:00 p.m. - Parking Task Force
Jan 22 <sup>nd</sup>	4:00 p.m. - City and County Commissioner's to meet On Detention Committee Mediation
Jan 30 <sup>th</sup>	7:00 p.m. - Tentative Workshop on Local Government Policies to Enhance Local Retail Activities in a Regional Environment

City Manager Golnar stated that the Local Option Tax will be heard on Friday at 8:00 a.m. Commissioner Stevens stated that he might be able to make the hearing.

City Manager Golnar stated that the Mayor's Landing Brownsfield grant needs to be out by Friday, with notice of awards to be in April.

Commission Doyle stated that the Manager needs to put together a time table for 2001 budget workshops.

Chairwoman Cooper stated that the garbage collection issue needs to get back on track also.

Commissioner Stevens Comments:

- Great appreciation to Steve Golnar and Jeanne-Marie Souvigny for putting together the Brownfield grant.
- On January 25, 2001, the Park County Environmental Council, the Corporation for the Northern Rockies , and the Greater Yellowstone Coalition will be sponsoring Dan Burden, Director of Walkable Communities, Inc., to speak in Livingston. The evening presentation will be held at the Yellowstone Motor Inn at 7:00 p.m. A tour of the community will be held in the afternoon.

Bob Weimer addressed the City Commission concerning collective bargaining contracts not being done and that a policy should be set which establishes a time frame by when they are completed.

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

The time was 10:19 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

February 5, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, February 5, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, Matt Henry, and Tim Stevens.

Motion was made by Doyle, second by Henry, to approve the following consent items:

- January 16, 2001 regular City Commission meeting minutes.
- Approve the bills and claims in the amount of \$95,506.48.

All in favor. Motion passed.

Chairwoman Cooper proclaimed the Summer of 2001 as the Summer of Film in the City of Livingston.

A public hearing was held on Wastewater Facilities Assessment and Future Planning. Scott Murphy of Morrison Maierle gave a slide presentation to the Commission and public. Mr. Murphy answered questions asked by the Commission. It was stated that the study will be completed in the next couple months, then it will go to the State for their review.

No public comments were heard. No formal action was taken by the Commission.

A public hearing was held on second reading of Ordinance No. 1903, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BY REFERENCE THE 1997 EDITION OF THE UNIFORM FIRE CODE, AMENDING ORDINANCE NO. 1785 AS CODIFIED IN SECTION 11-30 OF THE LIVINGSTON MUNICIPAL CODE.

No public comments were heard.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3154, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH JAMES SNYDER FOR ARCHITECTURAL SERVICES FOR REMODELING OF DISPATCH AREA.

Commissioner Stevens questioned why this agreement had not come before the Commission earlier. City Manager Golnar replied that it was an oversight on his part.

Commissioner Henry questioned if fair advertisement was made for architectural services. Mr. Golnar replied that the City is not required to advertise

for consulting services. Mr. Henry requested that the City Manager open the advertisement process up more in the future.

Mr. Golnar responded to a question of Chairwoman Cooper's, that Acting Police Chief Darren Raney and Building Inspector Taylor Pierson supervise this project through weekly meetings with the contractor and architect.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve first reading of Ordinance No. 1904, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1805 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER PROTECTION PLAN AND OVERLAY ZONE.

Commissioner Stevens stated he maybe perceived to have a personal interest with this ordinance as he has a well on his property. Mr. Stevens stated that he would like to participate in the discussion, but would like to abstain from voting. City Manager Golnar explained what Ken Weaver of the Local Government Center has said about Commissioner conflict of interest at previous City Commission orientations. Chairwoman Cooper stated she would like Mr. Stevens to vote.

Commissioner Henry commented that the proposed ordinance was flawed document if the City plans on using it to obtain City goals, and feels that it is a bad ordinance.

Lenny Gregrey submitted and read a written letter for the official record. Extensive discussion was heard on both sides of this issue from the Commission and staff.

Mr. Henry would like the City to invite Mr. Meeks back for more questions and answers. Commissioner Blakeman would also like to know DEQ's status on the progress of their report and follow up report.

Commissioner Doyle stated that the ordinance needs to be passed on first reading at this time.

Motion was made by Henry, second by Stevens, to table this ordinance indefinitely until further information can be obtained. Three opposed to tabling. Henry and Stevens in favor. Motion to table failed.

The vote on first reading of the ordinance was three in favor. Henry and Stevens opposed. Motion passed.

The Commission was in concurrence to designate City Commissioner Tim Stevens as the City's representative to the new Detention Center Committee.

City Manager Golnar summarized his thoughts on what he proposed for the Federal Appropriation Priorities for FY 2000-2001. It was noted that this list is due in one week. The Commission agreed on the City's major Federal appropriations priorities. Chairwoman Cooper stated that she encouraged Mr. Golnar to simplify the titles of projects as follows:

1. Focus on Mayor's Landing instead of broader longer terminology.
2. Section 205.
3. Downtown Rehabilitation.
4. Railroad crossing.

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

- Request for proposals for design engineering for 5<sup>th</sup> and Park Streets under development. Mr. Golnar is to check with the Montana Department of Transportation to see if the City is going out for a "RFQ" or "RFP".
- Selection Committee – Urban Design RFQs. The whole Commission reported an interest in attending the consultant selection meeting. Commissioner Doyle requested that this meeting be held any day after 3:00 p.m. Commissioner Stevens would like to view a list of consultants before any decision is made.
- Missouri River Drug Task Force activity information.
- Police Chief Search. Mr. Golnar stated that he will probably start moving forward with this process this week.
- Stillwater Mine Impact Monitoring Report Fourth Quarter 2000.
- Response to Mr. Hick's January 22, 2001 letter.
- Captain Fenton authorized to work part time outside of City employment.
- Officer's Lussier and Fenton, and Dispatcher's Glass and Claar receive commendations.
- Park County Communities that Care coalition meeting.
- Walkable Communities seminars.
- Cost breakdown dispatch remodel update.
- Mayor's Landing meeting held on January 30, 2001. Mr. Golnar stated that the City has received notice from EPA and will be considered for the Pilot Program.
- Calendar of Activities and Events:
  - Feb 3<sup>rd</sup> Electric De-regulation Meeting Sponsored by Representative Michele Lee; time & location to be announced
  - Feb 5<sup>th</sup> 7:39 p.m. – City Commission Meeting
  - Feb 6<sup>th</sup> 4:00 p.m. – City/County Meeting
  - Feb 13<sup>th</sup> 10:00 a.m. – Transportation Coordinating Committee
  - Feb 19<sup>th</sup> President's Day – City Offices Closed
  - Feb 20<sup>th</sup> 3:00 p.m. – Sidewalks Included in Street Maintenance Definition HB371. *Representative Michelle Lee has invited the City Manager and a Commissioner or two, to come and testify on this issue in Helena (Room 472 at the Capital)*
  - Feb 20<sup>th</sup> 7:30 p.m. – City Commission Meeting
  - Feb 22<sup>nd</sup> 3:00 p.m. – Communications Advisory Committee Meeting
  - Feb 28<sup>th</sup> &
  - March 1 Governor's Emergency Management Conference; Helena
  - March 5<sup>th</sup> 6:00 p.m. – Livingston Ditch Workshop
  - March 5<sup>th</sup> 7:30 p.m. – City Commission Meeting

Mr. Golnar stated that he will get started on setting up a meeting with Mr. Healow.

Chairwoman Cooper directed a comment to Acting Police Chief Darren Raney that she appreciated his commendations in the packet regarding Police Department employees.

Commissioner Stevens comments:

- Will not make the City County Meeting on the 6<sup>th</sup>.
- Would like a local follow up meeting on Mayor's Landing in the next couple weeks.
- Questioned the status of the Historic Preservation Officer. Mr. Golnar stated that 5 applications have been received, with one interview.
- Would like to get together to talk about an ice skating rink. Now is the time as it is winter. Stated that Bozeman received an \$80,000 grant from the NHL. Commissioner Doyle stated that this project should be worked out by whoever in the community is interested and not a burden to City staff.

Commissioner Henry comments:

- Would like to schedule a goal setting session as per the City Manager's past evaluation.
- Questioned the suggestion box.
- While waiting outcome of sidewalk legislation, he asked that the city Manager develop a list of potential options for how to deal with funding sidewalk improvements.

Commissioner Blakeman's comments:

- Commented on the outhouse at Mayor's Landing and appreciated Ken Kastelitz for the quickness that it was repaired.
- There will be a e-summit group meeting at the Paradise Inn on Wednesday at noon. There will be good information.

Chairwoman Cooper's comments:

- Questioned if the new historic lights on Chinook Street can be shielded as light beam goes straight up. Mr. Stevens said that the lights can be shielded at a minimum cost. Supt. of Public Utilities Clint Tinsley stated that the light does not go up, but out, as there is a metal deflector in the globes.

Lenny Gregrey addressed the Commission in regards to a letter that was included in the packet on the number of city wells in the city limits. City Manager Golnar responded that he received the list referred to from Supt. of Public Utilities Tinsley.

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

The time was 9:20 p.m.

ATTEST:

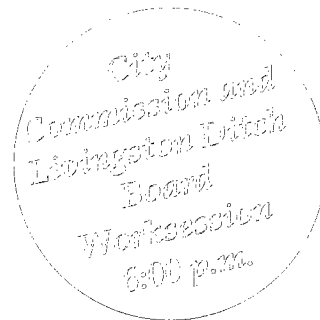
APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

*Livingston  
City Commission  
Agenda*

*March 5, 2001  
7:30 p.m.*



*Shirley Ewan  
Finance Officer*

**Livingston Ditch Worksession  
6:30 p.m.**

***Livingston City Commission Meeting  
Community Room  
March 5, 2001  
7:30 p.m.***

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **CONSENT ITEMS.**
  - A. Approve February 5, 2001 Regular City Commission Meeting Minutes. **Page 1**
  - B. Accept Bills and Claims. **Page 6**
4. **RESOLUTION.**
  - A. Resolution No. 3159, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 2 FOR THE SEWER MAIN REPLACEMENT PROJECT BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREET FROM LEWIS TO GEYSER STREET. **Page 15**
5. **AGENDAED COMMENT.**
  - A. Livingston Police Department Employees Association – Tom Totland, President. **Page 19**
6. **ACTION ITEMS.**
  - A. Discuss Further City Commission Direction on Upcoming Re Draft of City of Livingston Source Water Protection Plan and Overlay Zone. **Page 20**
  - B. Review Proposals for Lead Organization for Certified Communities Program. **Page 43**
  - C. Review Audit Proposals for June 30, 2001-2003. **Page 96**
  - D. Approve Final Payment for Sewer Main Replacement Located Between 10<sup>th</sup> & 11<sup>th</sup> Streets From Lewis to Geyser Streets in the Amount of \$5,723.36. **Page 109**
7. **CITY MANAGER COMMENTS.** **Page 114**
8. **CITY COMMISSION COMMENTS.**
9. **PUBLIC COMMENTS.**
10. **ADJOURNMENT.**

Notice: A tape recording of the meeting, or any portion thereof, may be purchased by contacting the Recording Secretary. The City does not warrant the tape recording as to content, quality or clarity.

If you need special accommodations to attend or participate in our meetings, please contact the Building Inspector, the City's ADA Coordinator at least 24 hours in advance of the specific meeting you are planning on attending.

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LIVINGSTON  
CITY COMMISSION MEETING

February 20, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, February 20, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, and Matt Henry. Commissioner Tim Stevens was absent.

Motion was made by Blakeman, second by Henry, to approve the following consent items:

- Approve February 5, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$81,312.61.
- Rental fee waiver request by Friends of the Library. City Manager Golnar stated that the City has approved this request in the past.
- Approve pay request #1 to Kovash Construction for Dispatch Remodel in the amount of \$6,953.03. City Manager Golnar explained that this pay request is for the amount of work that has been done to date.
- Approve Miscellaneous Tax withholding claim from Kovash Construction for dispatch remodel in the amount of \$70.23.
- Department Head monthly reports and other minutes. Chairwoman Cooper commented that no Planner's report was included and stated that one of her main concerns was the Comprehensive Plan. City Manager Golnar stated that he would make sure he gets a Planner Report in the future.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request by William Caldwell of 820 E. Butte Street. Mr. Caldwell wishes to build an addition onto his house, which would be even with the existing structure, approximately ten feet from the front property line. Code requires a twenty-five foot front setback. The City Board of Adjustment recommends approval.

Motion was made by Doyle, second by Blakeman, to approve the finding of fact as presented by staff. All in favor. Motion passed.

Motion was made by Doyle, second by Henry, to approve this variance. All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance request by John & Anita Powell, owner of property described as Lots 31 & 32, Block 46 of the Minnesota Addition. The Powell's wish to place a manufactured home on their property which would be approximately twelve and one half feet from the front property line. Code requires a twenty-five foot front setback. The City Board of Adjustment recommends disapproval.

Mr. Clifford Larsen, applicants son-in-law was present to speak in favor of the variance. Planner Woodhull stated that two messages were left from out of state landowners opposing this variance.

Motion was made by Doyle, second by Blakeman, to approve the finding of fact. All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve this variance. All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1904, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1805 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER PROTECTION PLAN AND OVERLAY ZONE.

City Commissioner Matt Henry summarized his comments of this ordinance and felt that it should not be passed tonight and that the City Manager and City Planner should work further with DEQ. Comments were heard from the Commission about protecting the concrete areas of influence, procedures and time lines. Commissioner Doyle agreed with comments made by Mr. Henry, and stated that he would like a ban on all wells.

Public comments heard in favor of lifting the well drilling ban were by, Lenny Gregrey, who read a written statement, Dean Reiner and Sandra Miller.

Public comments heard opposing the well drilling ban were by, Dude Tyler, John Fryer and Tana Miller.

Other comments heard were from Roy Lewis, Dr. Basket and Hillman Drilling.

More Commission comments were heard with Commissioner Henry requesting that the City Manager obtain DEQ's sample ordinance and the permitting process. The Commission was in consensus of Chairwoman's comment of no drilling in the zones of influence.

City Manager Golnar was directed to provide the Commission with draft comments received from DEQ, the sample ordinance, Planner's comments, and to get the draft to the Commission within the next couple days for their review. This will be an action item for the next meeting.

The vote on second reading of Ordinance No. 1904, was Doyle in favor, and three opposed. Motion failed.

City Police Officer Dale Johnson, Police Union Negotiator addressed the City Commissioners with a written statement concerning union negotiations during the past year.

Officer Johnson also stated that the Livingston Police Union endorses Darren Raney for Police Chief.

Commission comments were heard, with Commissioner Doyle stating that each Commissioner needs to meet individually with City Manager Golnar to find out where the City is at with the union negotiating.

City Firefighter/EMT Bob Brown, Local 630 Negotiating member addressed the City Commissioners with a written statement concerning union negotiations during the past year.

Henry Gehl, Manager of the Yellowstone Inn was present to request that he be able to change the face of the shorter sign on Yellowstone Inn's property. After some staff and Commission discussion, Mr. Gehl was directed to the City Planner's office



to file for a variance request. Mr. Gehl was advised that there are city codes that state if the face of any sign on the property changes, then the tall sign is out of compliance and will need to be removed.

Chairwoman Cooper called for a recess at 9:35 p.m.

The meeting went back into open session at 9:45 p.m.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3155, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA, FOR JOINT LAW ENFORCEMENT OFFICER TRAINING. Acting Police Chief Darren Raney clarified this agreement for the Commission.

All in favor. Motion passed.

Motion was made by Blakeman, second by Doyle, to approve Resolution No. 3156, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF TWO RADAR UNITS TO IMPROVE SPEED ENFORCEMENT IN THE CITY OF LIVINGSTON. Acting Police Chief Darren Raney clarified this agreement for the Commission.

All in favor. Motion passed.

Motion was made by Henry, second by Blakeman, to approve Resolution No. 3157, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY, MONTANA, ESTABLISHING A JOINT FUND FOR PURCHASING EQUIPMENT. Acting Police Chief Darren Raney clarified this agreement for the Commission.

All in favor. Motion passed.

Motion was made by Henry, second by Blakeman, to approve Resolution No. 3158, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 1 FOR THE POLICE DISPATCH REMODELING PROJECT.

All in favor. Motion passed.

Motion was made by Blakeman, second by Doyle, to accept the auditor's report for FY 1999-2000. Chairwoman Cooper was pleased to see such a few items that the City was written up on. City Manager Golnar expounded on a few sections for the Commission's information. Mr. Golnar also thanked Finance Officer Shirley Ewan for the time spent and for a good job with the City's finances.

All in favor. Motion passed.

Discussion took place on the selection process for Certified Communities Lead Organization. Comments heard from the Commission were, they would like to see more action from a lead organization than what they have seen in the past, questioned the opening of the process for a lead organization every three years, to

advertise for other interested parties for the lead organization, and do we want to change the lead organization.

Other comments were heard from Laurie Bishop and Patricia Grabow.

City Manager Golnar will formulate a process for every three years, call the two parties that are currently interested in the lead organization, and will prepare a RFP with responses due for review at the next meeting.

Motion was made by Blakeman, second by Henry, to open up a proposal situation where the City would open up a selection process for a lead organization of the Certified Communities.

All in favor. Motion passed.

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

- Sewage backup problems at the Court House.
- Summary of Livingston 2001-2002 Federal Programs and appropriation needs.
- Sister Cities student exchange participants selected.
- Automatic payment for utility bills notice of public interest advertised.
- Detention Center Planning Committee applicants status. Mr. Golnar stated that 5 applications were received. The County may go out for more applicants.
- EPA grant application receipt acknowledged.
- Montana Department of Transportation grants approved to move to consultant selection included:
  - ~ 5<sup>th</sup> and Park Streets.
  - ~ CTEP - Landscaping Project.
  - ~ CTEP - Period Lighting Project.
- Injury Prevention grant received.
- Transportation Coordinating Committee meeting summary.
- Items still in process:
  - ~ CTEP applications for 2001.
  - ~ Delinquent tax bills communication.
  - ~ Windfarm meeting needs to be scheduled with Dr. Healow.
  - ~ Goals meeting with City Commission.
  - ~ Mayor's Landing Task Force meeting.
- Legislative testimony provided on HB371.
- Calendar of Events and Activities:

Feb 20 <sup>th</sup>	7:30 p.m. - City Commission Meeting
Feb 21 <sup>st</sup>	6:30 p.m. - Skate Park Committee
Feb 21 <sup>st</sup>	7:00 p.m. - Sister Cities Committee
Feb 22 <sup>nd</sup>	3:00 p.m. - Communications Advisory Committee Meeting
Feb 26 <sup>th</sup>	7:00 p.m. - City/County Planning Board Public Meeting
Feb 27 <sup>th</sup>	1:00 p.m. - Hard Rock Mining Impact Board Meeting
Feb 28 <sup>th</sup>	Livingston's Annual Teen Day - see agenda enclosed
Feb 28 <sup>th</sup> & Mar 1	- Governor's Emergency Management Conference; Helena
Mar 5 <sup>th</sup>	6:00 p.m. - Livingston Ditch Workshop

- Mar 5<sup>th</sup> 7:30 p.m. – City Commission Meeting
- Mar 7<sup>th</sup> 4:00 p.m. – Joint City/County Meeting
- Mar 8 & 9 Montana Economic Developers Association and Montana Certified Communities Statewide Spring Conference; Helena (agenda provided in item 8.B.)
- Apr 2<sup>nd</sup> 7:30 p.m. – City Commission Meeting
- Apr 10 & 11 Certified Communities Lead Development Organization and Economic Development Professionals Training; Billings

Included in the packet, was the Official Municipal Election Callender.

Chairwoman Cooper will attend the Communications Advisory Committee meeting for Commissioner Blakeman.

City Manager Golnar will do a press release to designate a teen from the Skate Park Committee for Teen Day.

Chairwoman Cooper asked that the Commission be kept informed of the Parking Task Force meetings.

Commissioner Blakeman summarized the previous Parking Task Force meeting.

Commissioner Henry suggested oral committee reports should be added to the agenda.

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

The time was 10:29 p.m.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
CHAIRWOMAN, CITY COMMISSION

03-02-01  
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CITY OF LIVINGSTON  
Claim Approval List  
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Claim	Check	Vendor #/Name	Amount	Disc \$								Cash
		Invoice #/Description	Line Amount		PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Account
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		973956 HYD OIL 55 GAL	166.10		24544	02-03-01	1000	123	411700	360		101000
969754		1770 AIS	1,650.00									
		17645 INTBRCPTR	1,650.00		25035	02-10-01	1000	131	420100	940		101000
969765		1037 APPLIANCE PLACE	70.00									
		19222 USED DRYER	70.00*		25248	02-13-01	5510	142	420730	231		101000
969685		999999 ARNOLD, JOYCE	10.00									
		66476 5-A3395 BILLED TWICE	10.00			02-23-01	1000		351033			101000
969686		1527 BAKER, ZACK	248.63									
		YTH BB INSTRUCTOR	248.63			02-23-01	2210		460449	316		101000
969788		1771 BRACHCOMBER TRADING COMPANY	2,950.00									
		JB52 PORTABLE TACK SPRAYER	2,950.00		25067	02-12-01	2500	151	430240	940		101000
969787		999999 BERGSING, GILBERT D.	10.00									
		66672 OVERPAID CK #5232	10.00			02-28-01	1000		351033			101000
969687		36 BIG SPRINGS WATER CO.	10.50									
		G103280 DISTILLED WATER	10.50		24036	02-14-01	5310	503	430640	225		101000
969766		251 BOUND TREE CORP.	214.50									
		485499 SUPPLIES	214.50		25238	02-19-01	5510	142	420730	235		101000
969764		967 BOZEMAN TROPHY & ENGRAVING	183.30									
		50105 AWARDS PLAQUES	183.30		24072	02-19-01	1000	131	420100	220		101000
969767		728 BRIDGER COMMUNICATIONS	282.00									
		18432 PAGERS, BATTERIES	15.00		25247	02-13-01	1000	141	420400	310		101000
		18462 PAGERS, BATTERIES	267.00		25247	02-23-01	1000	141	420400	310		101000
969689		524 BROADHEAD, HALL	12.00									
		RBF YTH BB	12.00			02-17-01	2210		460449	316		101000
969688		480 BRUCE BECKER, INC.	2,678.14									
		FEB 01 2ND HALF CITY ATTORNEY	809.13			02-26-01	1000	107	411100	351		101000
		FEB 01 2ND HALF CITY ATTORNEY	262.12			02-26-01	5510	142	420710	351		101000
		FEB 01 2ND HALF CITY ATTORNEY	535.63			02-26-01	5210	502	430510	351		101000
		FEB 01 2ND HALF CITY ATTORNEY	535.63			02-26-01	5310	503	430610	351		101000
		FEB 01 2ND HALF CITY ATTORNEY	535.63			02-26-01	5410	504	430810	351		101000
969690		949 CECHOVIC, JUNE	122.90									
		2000-2001 MEDICAL REIMBURSEMENT	122.90			02-21-01	7910		212970			101000

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969769		1633 CHAMBERS, MICHAEL REIMBURSE FOR FUEL	36.40 36.40*		25245	02-27-01	5510	142	420730	231		101000
969691		397 CHAMBERS, WALLY REF MEN'S BB	36.00 36.00			02-22-01	2210		460449	316		101000
969782		131 CITY OF LIVINGSTON REPLENISH PETTY CASH	16.34 2.75			02-28-01	1000	101	410130	312		101000
		REPLENISH PETTY CASH	7.60			02-28-01	1000	141	420400	230		101000
		REPLENISH PETTY CASH	5.99			02-28-01	1000	123	411700	211		101000
969789		51 COLONIAL RESEARCH CHEMICAL CORP. 96547 TOILET CLEANER	72.73 72.73*		24366	02-16-01	1000	153	460442	231		101000
969692		1611 CRESCENT ELECTRIC SUPPLY CO. 5839245701 STAPLES	9.25 3.70		24011	02-06-01	5210	502	430515	231		101000
		5839245702 STAPLES	5.55		24011	02-15-01	5210	502	430515	231		101000
969790		1310 CRONATRON WELDING SYSTEMS, INC. 5577563 WELDING ROD	187.25 187.25		25069	02-12-01	1000	123	411700	360		101000
969693		910 D & R COFFEE SERVICE, INC 81339 COFFEE	61.34 61.34			02-16-01	1000	123	411700	211		101000
969699		481 DATALINE ASSOCIATES 202016 LEXMARK RIBBONS-4232	201.40 201.40		23493	02-20-01	1000	123	411700	211		101000
969770		805 DAVID RUST CARPET CENTER 6692 CITY 50% CARPET - DISPATCH GEN	687.00 687.00		24073	02-22-01	1000	131	420100	940		101000
969694		509 DELTA SIGNS BANNER - BAINBR CONST.	120.94 120.94		24102	01-22-01	2210		460449	226		101000
969783		273 DONKE, DOUG REIMBURSE TRAVEL EXPENSE	152.74 152.74			02-23-01	5310	503	430640	370		101000
969771		1251 DUCK POND WRINGER WASHER	55.00 55.00*		24157	02-27-01	5510	142	420730	231		101000
969695		424 ENERGY LABS, INC. 21025069 EFFLUENT	418.72 418.72		24018	02-05-01	5310	503	430640	355		101000
969696		137 EWAN, SHIRLEY 2000-2001 MEDICAL REIMBURSEMENT	89.44 89.44			02-22-01	7910		212970			101000
969698		545 GALLATIN EQUIPMENT 202039 REPAIR JACK HAMMER	1,559.06 1,270.16		25136	01-23-01	5210	502	430515	361		101000
		202074 REPAIR JACK HAMMER	288.90		25136	01-23-01	5210	502	430515	361		101000

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		Invoice #/Description	Line	Amount	PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Account
969697		53 CALLS, INC. 54697775 VALOR AWARDS		150.97 150.97	24065	02-17-01	1000	131	420100	220		101000
969700		54 GATEWAY OFFICE SUPPLY 69271 INK ROLLER		4.45 4.45	24037	02-15-01	5210	502	430515	231		101000
969772		54 GATEWAY OFFICE SUPPLY 69261 PRINTER CARTRIDGE 69284 DRY ERASER		35.28 32.99 2.29	25242 25242	02-14-01 02-15-01	1000	141	420400	210		101000 101000
969701		999999 GOLINVAUX, CHUCK REF MEN'S BB		18.00 18.00		02-11-01	2210		460449	316		101000
969703		139 GOLNAR, STEVE MAR 01 MONTHLY VEHICLE ALLOWANCE		150.00 150.00		02-26-01	1000	103	410400	130		101000
969704		271 GUTH LABORATORIES INC 106515 INTOXILIZER SOLUTION		33.36 33.36	24066	02-15-01	1000	131	420100	220		101000
969706		958 HARRINGTON, KEVIN REF MEN'S BB		36.00 36.00		02-11-01	2210		460449	316		101000
969707		101 HIGH COUNTRY RENTAL, INC. C166752-02 CUT-OFF CONCRETE BLADES		220.00 220.00	25132	02-01-01	5210	502	430515	220		101000
969708		101 HIGH COUNTRY RENTAL, INC. C166059-02 SAW REPAIRS		29.20 29.20	24040	12-12-00	5210	502	430515	361		101000
969709		1439 HUMANE SOCIETY OF PARK COUNTY JAN 01 BROAD DOGS/VACCINATED 3		225.00 225.00	24104	02-16-01	5410	504	430830	350		101000
969710		103 INDUSTRIAL SYSTEMS INC. 30267 ELECT MOTORS		1,066.84 1,066.84	24718	02-07-01	5210	502	430520	940		101000
969711		102 INDUSTRIAL TOWEL 16601 RUG MAINTENANCE		13.23 13.23		02-22-01	1000	121	411230	360		101000
969712		1380 INGRAM, COLE REF MEN'S BB		100.00 100.00		02-23-01	2210		460449	316		101000
969731		1762 JAMES P MURPHEY, PH D EVALUATION RREPORTS		1,305.00 1,305.00*	25234	01-08-00	1000	141	420400	350		101000
969705		65 JERRY'S HARDWARE HANK 8215 PAINT, BRUSH, TAPE		42.21 42.21	24070	02-20-01	1000	131	420100	940		101000
969713		349 KASTELITZ, KEN 2000-2001 MEDICAL REIMBURSEMENT		254.66 254.66		02-21-01	7910		212970			101000

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Claim	Check	Vendor #/Name	Amount	Disc \$	PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Cash Account
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969784		349 KASTBLITZ, KEN 2000-2001 ACCOUNT CLOSED MEDICAL REIMBUR	21.91 21.91			02-28-01	7910		212970			101000
969714		776 KENYON NOBLE 924602 3 HOLB POST	8.49 8.49		25114	12-27-00	5210	502	430515	231		101000
969715		776 KENYON NOBLE 932840 ELECT TAPE, SCREWS	16.53 16.53		25142	01-11-01	5210	502	430515	231		101000
969716		307 KODER, BBV 2000-2001 MEDICAL REIMBURSEMENT	107.62 107.62			02-21-01	7910		212970			101000
969773		487 LAB SAFETY SUPPLY, INC. 1000289230 SAFETY LENS	129.82 129.82		25219	02-07-01	5510	142	420730	220		101000
969717		468 LIVINGSTON FIRE SERVICE 963377 EXTINGUISHER MAINT.	118.75 118.75*		24362	02-02-01	1000	153	460442	231		101000
969774		55 LIVINGSTON MEMORIAL HOSPITAL 30469 PATIENT SUPPLIES 30472 PATIENT SUPPLIES	29.65 17.72 11.93		25241 25241	02-19-01 02-23-01	5510	142	420730	235		101000 101000
969718		147 LIVINGSTON UTILITY BILLING REPLENISH PETTY CASH	48.89 48.89			02-23-01	5210	502	430515	231		101000
969719		148 LIVINGSTON UTILITY DEPARTMENT CITY 37% WATER, SEWER, GARB CITY PARKS GARB CEMETERY HYDRANT STREET SWEEPER STREET SHOP/GARBAGE STREET SHOP/GARBAGE CIVIC CENTER UTILITY SHOP UTILITY SHOP UTILITY SHOP SEWER SHOP BLDG	798.30 390.82 101.57 7.57 32.57 17.05 17.04 78.73 35.47 35.46 35.46 46.56			02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01 02-23-01	1000 1000 1000 5410 2500 5410 1000 5210 5310 5410 5310	121 153 152 504 151 504 153 502 503 504 503	411230 460430 430930 430820 430220 430820 460442 430520 430620 430820 430640	342 342 342 342 342 342 342 342 342 342 342	101000 101000 101000 101000 101000 101000 101000 101000 101000 101000 101000	
969720		588 LOBAUGH, DOUG 2000-2001 MEDICAL REIMBURSEMENT	75.00 75.00			02-21-01	7910		212970			101000
969721		514 LOCAL GOVERNMENT CENTER MEETING FACILITATION	150.00 150.00			02-20-01	1000	101	410130	351		101000
969722		149 MADER, JULIE VB & BB INSTRUCTOR	196.00 196.00			02-23-01	2210		460449	316		101000

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CITY OF BIRMINGHAM  
Claim Approval List  
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Claim	Check	Vendor #/Name	Amount	Disc \$								Cash
		Invoice #/Description	Line Amount		PO #	Inv Date	Fund Org	Acct	Obj	Proj	Account	
969723		1588 MCNAMEE, CHARLIE REF YTH BB	108.00 108.00			02-23-01	2210	460449	316		101000	
969724		38 MONT DEPT OF ENVIRONMENTAL PMT3678 PERMIT FEB-MT0028118 SWIM POOL	188.00 188.00		24365	02-02-01	1000 153	510700	540		101000	
969726		572 MONTANA EDGE 5668 LETTERHEAD 5753 PAPER	346.00 220.00 126.00		23494 23494	01-31-01 02-09-01	1000 123	411700	211		101000 101000	
969727		11 MONTANA MOTOR SUPPLY 40522 LIGHT BULB	2.42 2.42		24034	02-13-01	5310 503	430640	231		101000	
969728		151 MONTANA POWER CO.	12,382.54									
		709871 JAN/FEB PARK DEPT	216.46			02-21-01	1000 153	460430	341		101000	
		709870 JAN/FEB G STREET PARK	17.02			02-21-01	1000 153	460430	341		101000	
		709878 JAN/FEB CONCESSION STAND	15.31			02-21-01	1000 153	460430	341		101000	
		709885 JAN/FEB TENNIS COURTS	6.80			02-21-01	1000 153	460430	341		101000	
		709822 JAN/FEB RESIDENCE-SAG PARK	129.50			02-21-01	1000 153	460430	341		101000	
		719373 JAN/FEB BANDSHELL	6.80			02-21-01	1000 153	460430	341		101000	
		709879 JAN/FEB SOFTBALL FIELD	7.93			02-21-01	1000 153	460430	341		101000	
		709796 JAN/FEB 97 VIEW VISTA DR	6.80			02-21-01	1000 153	460430	341		101000	
		720176 JAN/FEB WEIMER PARK	6.80			02-21-01	1000 153	460430	341		101000	
		708369 JAN/FEB 6TH & PARK SPRINKLERS	6.80			02-21-01	1000 153	460430	341		101000	
		708370 JAN/FEB 8TH & PARK SPRINKLERS	6.80			02-21-01	1000 153	460430	341		101000	
		709909 JAN/FEB EASTSIDE SCHOOL	36.27			02-21-01	1000 121	411230	341		101000	
		719358 JAN/FEB STREET LIGHTING	3,217.19			02-21-01	2400	420100	340		101000	
		720122 JAN/FEB STREET LIGHTING	8.51			02-21-01	2400	420100	340		101000	
		802599 JAN/FEB STREET LIGHTING CHINK	61.06			02-21-01	2400	420100	340		101000	
		709891 JAN/FEB CEMETERY RD SHOP	53.60			02-21-01	1000 152	430930	341		101000	
		709881 JAN/FEB CIVIC CENTER	2,250.38			02-21-01	1000 153	460442	341		101000	
		709883 JAN/FEB CC BLDG BW	223.39			02-21-01	1000 153	460442	341		101000	
		720113 JAN/FEB CC BLDG	103.51			02-21-01	1000 153	460442	341		101000	
		719240 JAN/FEB 7 VIEW VISTA DR	81.08			02-21-01	5310 503	430625	344		101000	
		709893 JAN/FEB WATER HIGRD II MANHOLE	6.80			02-21-01	5210 502	430515	341		101000	
		709894 JAN/FEB HIGRD II PUMP ST	95.34			02-21-01	5210 502	430515	341		101000	
		908771 JAN/FEB N SIDE HILL	254.61			02-21-01	5210 502	430515	341		101000	
		919271 JAN/FEB 14TH & CAMBRIDGE	27.87			02-21-01	5210 502	430515	341		101000	
		719272 JAN/FEB 2 BILLMAN LANE WELL	375.42			02-21-01	5210 502	430515	341		101000	
		718916 JAN/FEB UNDERPASS/H2O TIMER	6.80			02-21-01	5210 502	430515	341		101000	
		709793 JAN/FEB CITY SHOP BLDG	396.88			02-21-01	2500 151	430220	341		101000	
		709793 JAN/FEB CITY SHOP BLDG	396.88			02-21-01	5410 504	430820	341		101000	
		709794 JAN/FEB SEWER PLANT	2,730.30			02-21-01	5310 503	430640	341		101000	
		709792 JAN/FEB 1107 W. CAMBRIDGE	7.63			02-21-01	5310 503	430625	344		101000	
		709873 JAN/FEB PUMP STATION CMB & 9TH	21.11			02-21-01	5310 503	430625	344		101000	
		709914 JAN/FEB EDGE WATER SEWER PUMP	18.47			02-21-01	5310 503	430625	344		101000	
		719058 JAN/FEB L FT STREET	20.54			02-21-01	5310 503	430625	344		101000	
		709880 JAN/FEB SWIM POOL	246.28			02-21-01	1000 153	460445	341		101000	
		709872 JAN/FEB D ST WELL	59.97			02-21-01	5210 502	430515	341		101000	
		709874 JAN/FEB WERNER ADDIT PUMP	61.60			02-21-01	5210 502	430515	341		101000	



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		709876 JAN/FBB LEWIS & B ST WELL		364.29		02-21-01	5210	502	430515	341		101000
		709886 JAN/FBB MAIN RESERVIOR GAUGE		72.33		02-21-01	5210	502	430515	341		101000
		709887 JAN/FBB MAIN RESERVIOR GAUGE		8.51		02-21-01	5210	502	430515	341		101000
		709892 JAN/FBB NS HILL WATER DEPT		31.44		02-21-01	5210	502	430515	341		101000
		720048 JAN/FBB 315 BENNETT ST		203.61		02-21-01	5210	502	430520	341		101000
		720048 JAN/FBB 315 BENNETT ST		203.61		02-21-01	5310	503	430620	341		101000
		720048 JAN/FBB 315 BENNETT ST		203.61		02-21-01	5410	504	430820	341		101000
969729		489 MONTANA SUPREME COURT SPRING JUDGES CONFERENCE		150.00 150.00								
						02-20-01	1000	102	410360	380		101000
969730		874 MORRIS, MICHELLE 2000-2001 MEDICAL REIMBURSEMENT		21.76 21.76								
						02-27-01	7910		212970			101000
969785		874 MORRIS, MICHELLE 2000-2001 MEDICAL REIMBURSEMENT		45.00 45.00								
						02-27-01	7910		212970			101000
969775		58 MSU FIRE TRAINING SCHOOL 14571 REIMBURSE PTS - 2 KITS		500.00 500.00								
					25250	09-19-00	1000	141	420400	380		101000
969732		1196 NEOPOST 40461384 POSTAGE MACHINE 3/12-3/11/02 40461384 POSTAGE MACHINE 3/12-3/11/02 40461384 POSTAGE MACHINE 3/12-3/11/02 40461384 POSTAGE MACHINE 3/12-3/11/02		705.00 176.25 176.25 176.25 176.25								
					24039	02-10-01	5210	502	430570	310		101000
					24039	02-10-01	5310	503	430670	310		101000
					24039	02-10-01	5410	504	430870	310		101000
					24039	02-10-01	1000	123	411700	310		101000
969733		12 NORMONT EQUIPMENT 11020006 BROOM CORE FOR SWEEPER		220.00 220.00								
					23579	02-02-01	5410	504	430820	232		101000
969737		45 PACIFIC STEEL & RECYCLING 1005451 METAL- SUBWAY LIGHTS		23.89 23.89								
					24403	02-13-01	2500	151	430240	233		101000
969734		19 PARK COUNTY AUTO SUPPLY 318188 V-BELTS 318225 RETURN PARTS		22.39 53.39 -31.00								
					23495	02-21-01	7050		410150	232		101000
					23495	02-22-01	7050		410150	232		101000
969735		117 PARK COUNTY SHERIFF JAN 01 16 BOOKING FEES		32.00 32.00								
					24068	02-22-01	1000	131	420100	391		101000
969736		13 PARK TIRE 441006 REPAIR FLAT TIRE		10.00 10.00								
					24361	02-01-01	1000	153	460430	231		101000
969791		18 PARK TIRE 464002 FLAT REPAIR		10.00 10.00								
					25072	02-15-01	2500	151	430240	232		101000
969776		1734 PROGRESSIVE MEDICAL 134605 G-COLLARS 133268 G-COLLARS		272.15 164.61 107.54								
					25237	02-16-01	5510	142	420730	235		101000
					25237	12-14-00	5510	142	420730	235		101000

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		Invoice #/Description	Line Amount		PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Account
969796		162 QWEST	276.09									
		2220082 JAN/FEB CITY SHOP	26.50			02-16-01	2500	151	430220	343		101000
		2220082 JAN/FEB CITY SHOP	6.36			02-16-01	5310	503	430620	343		101000
		2220082 JAN/FEB CITY SHOP	20.13			02-16-01	5410	504	430820	343		101000
		2220587 JAN/FEB FIRE DEPT MODEM	49.04			02-16-01	1000	141	420400	352		101000
		2221142 JAN/FEB UTILITY BILLING	58.02			02-16-01	5210	502	430520	343		101000
		2220854 JAN/FEB UTILITY BILLING	58.02			02-16-01	5310	503	430620	343		101000
		2220854 JAN/FEB UTILITY BILLING	58.02			02-16-01	5410	504	430820	343		101000
969738		441 RAM SOFTWARE SERVICE, INC.	295.00									
		965295 MEDICARE CLAIMS UPDATE	295.00			02-16-01	5510	142	420710	572		101000
969739		1200 RED CROSS OF PARK COUNTY	12.00									
		6 CPR CERTIFICATES	12.00		24069	02-21-01	1000	131	420100	320		101000
969740		1759 ROBIN THE HOUSEKEEPER	180.00									
		JANITOR 2/11-2/21	60.00			02-22-01	5210	502	430570	200		101000
		JANITOR 2/11-2/21	60.00			02-22-01	5310	503	430670	210		101000
		JANITOR 2/11-2/21	60.00			02-22-01	5410	504	430870	210		101000
969741		645 SARISKY, JASON	949.81									
		2000-2001 MEDICAL REIMBURSEMENT	949.81			02-21-01	7910		212970			101000
969742		1764 SCHWIGERT, KATIE	50.00									
		RFB MEN'S BB	50.00			02-23-01	2210		460449	316		101000
969743		362 SCHWIGERT, TOM	165.60									
		REIMBURSE MILEAGE- GREAT FALLS	165.60			02-23-01	5210	502	430515	370		101000
969744		40 SPANNRING, BILL	267.99									
		2000-2001 MEDICAL REIMBURSEMENT	267.99			02-22-01	7910		212970			101000
969745		37 STATE OF MONTANA PROPERTY &	216.53									
		12764 TONER	85.36		23492	01-30-01	1000	102	410360	200		101000
		12742 HILITERS, TOWELS, CD	131.17		23492	01-30-01	1000	123	411700	211		101000
969746		67 SUPER CAR WASH	50.00									
		CAR WASH TORBNS	50.00		24067	02-22-01	1000	131	420100	231		101000
969747		1 TECH ELECTRIC, INC.	127.16									
		025223 BLECTRIC WIRE	127.16		25145	02-13-01	5310	503	430640	361		101000
969748		1 TECH ELECTRIC, INC.	84.28									
		025222 ELECTRICAL REPAIRS	41.00		24005	02-13-01	5310	503	430640	361		101000
		025216 BLECTRIC REPAIRS	43.28		24005	02-13-01	5310	503	430640	361		101000
969768		1175 TELE-WAVES	29.85									
		2815346 AIRTIME TO APRIL 01	29.85		25249	02-01-01	1000	141	420400	310		101000

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		Invoice #/Description	Line Amount		PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Account	
96794		264 THYSSEN LAGERQUIST ELEVATOR 272099 FEB 01 37% ELEVATOR	53.65 53.65			02-01-01	1000	121	411230	360		101000	
96749		519 TINSLEY, CLINT REIMBURSE MBALS	23.00 23.00			02-26-01	5210	502	430515	370		101000	
96750		1031 TREASURE STATE FUEL 12223 JAN 01 FUEL SOLID WASTE 12330 JAN 01 FUEL PARK DEPT 12248 JAN 01 STREET DEPT 12276 JAN 01 CEMETERY DEPT	1,101.31 538.75 45.45 496.69 20.42		24105 24105 24105 24105	01-31-01 01-31-01 01-31-01 01-31-01	5410 1000 2500 1000	504 153 151 152	430830 460430 430240 430930	232 232 232 232		101000 101000 101000 101000	
969792		74 TRI-STATE TRUCK & EQUIPMENT M60858 WEAR PLATES - GRADER	169.12 169.12		25073	06-26-00	2500	151	430240	232		101000	
969752		303 U.S. POST OFFICE UTILTIY BILLING POSTAGE UTILTIY BILLING POSTAGE UTILTIY BILLING POSTAGE	400.00 133.34 133.33 133.33			02-23-01 02-23-01 02-23-01	5210 5310 5410	502 503 504	430570 430670 430870	310 310 310		101000 101000 101000	
96753		166 U.S. POST OFFICE POSTAGE MACHINE POSTAGE MACHINE POSTAGE MACHINE GENERAL FUND AMBULANCE	400.00 95.00 80.00 80.00 80.00 65.00			02-23-01 02-23-01 02-23-01 02-23-01 02-23-01	5210 5310 5410 1000	502 503 504 123	430570 430670 430870 411700	310 310 310 310		101000 101000 101000 101000 101000	
96755		23 VALLEY MOTOR SUPPLY 504655 PUMP ASSBY	55.01 55.01		25070	02-14-01	1000	123	411700	360		101000	
96756		23 VALLEY MOTOR SUPPLY 504470 OIL & AIR FILTERS	68.19 68.19		24545	02-11-01	1000	123	411700	360		101000	
96757		23 VALLEY MOTOR SUPPLY 504172 BAND SAW BLADES	18.90 18.90		25068	02-07-01	1000	123	411700	360		101000	
96777		23 VALLEY MOTOR SUPPLY 505005 OIL FILTERS 505333 OIL FILTERS	28.53 21.09* 7.44*		25239 25239	02-18-01 02-18-01	5510 5510	142	420730 420730	231 231		101000 101000	
96758		1136 WELLS FARGO BANK MN 18466 AGENT FEB 1997 GOB'S 18466 AGENT FEB 1997 GOB'S	150.00 114.00 36.00			02-20-01 02-20-01	3002 3004	170	490100 490100	630 630		101000 101000	
96759		62 WESTERN PHOTO 1162526 FILM PROCESSING-YTH BE	149.91 149.91		24101	02-14-01	2210		460449	226		101000	

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		Invoice #/Description	Line Amount		PO #	Inv Date	Fund	Org	Acct	Obj	Proj	Account
969778		1087 WHEATLAND FIRE EQUIPMENT 22144 TURNOUT COAT, HOODS	782.00 782.00		24156	02-15-01	1000	141	420400	940		101000
969760		1158 WIESE, CARL REF MBN'S BB	120.00 120.00			02-23-01	2210		460449	316		101000
969781		999999 WOLENETZ, LBLA REIMBURSE HANDICAP SIGN 406 S	50.00 50.00			02-27-01	2820	210	430240	232		101000
969780		71 YELLOWSTONE COUNTRY MOTORS 028574 REPAIRS ON A1	339.20 339.20		25244	02-07-01	5510	142	420730	360		101000
969761		26 YELLOWSTONE HARDWARE 440422 SNOW SHOVEL	18.99 18.99		25066	02-07-01	2500	151	430240	231		101000
969762		26 YELLOWSTONE HARDWARE 441738 STRAINER	4.69 4.69		23592	02-12-01	5410	504	430830	231		101000
969763		26 YELLOWSTONE HARDWARE 444135 ELECTRICAL CORDS	9.48 9.48		24071	02-23-01	1000	131	420100	231		101000
969779		26 YELLOWSTONE HARDWARE 442131 DPLY GFCI RECPT 441980 DRYER LINT TRAP	18.98 8.49* 10.49*		25243 25243	02-14-01 02-13-01	5510	142	420730	231		101000 101000
969793		26 YELLOWSTONE HARDWARE 443765 TRAFFIC PINT	7.58 7.58		25071	02-21-01	2500	151	430240	231		101000
Total:			39,408.84									

*Steve Ptk*  
3/2/2001

**RESOLUTION NO. 3159  
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON,  
MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 2 FOR  
THE SEWER MAIN REPLACEMENT PROJECT BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREET  
FROM LEWIS TO GEYSER STREET.**

**WHEREAS,** the City of Livingston, Montana, has awarded a construction contract to O'Hara Excavation for the Sewer Main Replacement Project between 10<sup>th</sup> and 11th Street from Lewis to Geyser Street; and

**WHEREAS,** the project has experienced additional contractor costs; and

**WHEREAS,** ~~Change Order No. 2~~ attached hereto as Exhibit A which is hereby incorporated by this reference as though fully set forth herein sets forth the increased costs in the amount of \$1,030.67.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Commission of the City of Livingston, Montana, that the City Manager is hereby authorized to sign Change Order No. 2 for the Sewer Main Replacement Project attached hereto as Exhibit "A."

**PASSED AND ADOPTED** by the City Commission of the City of Livingston, this \_\_\_\_\_ day of March, 2001.

\_\_\_\_\_  
CITY OF LIVINGSTON  
ATTEST: \_\_\_\_\_  
**CARON COOPER - Chairwoman**  
**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JULIANNE BROWN**  
Recording Secretary  
**BRUCE E. BECKER**  
City Attorney

**CHANGE ORDER**  
No. 2

PROJECT Sewer Main Replacement Located Between 10th & 11th Streets from Lewis to Geyser Street

DATE OF ISSUANCE February 1, 2001

EFFECTIVE DATE February 1, 2001

OWNER City of Livingston

OWNER's Contract No. Resolution # 3103

CONTRACTOR T. Patrick O'Hara ENGINEER Western Consulting, Inc.

**Purpose for Change Order:**

1. Additional Cost to Contractor resulting from working around water mains located in Lewis St. (\$1,780.67)
2. Deduction for repairs to street surface around manholes. (-\$750.00)

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price  
(Per unit costs from Base Bid & Additive Alternate)  
\$ 92,605.70

Original Contract Time  
60 Calendar days

Net changes from previous Change Orders  
\$ 2,404.25

Net change from previous Change Orders  
0 calendar days

Contract Price prior to this Change Order  
\$ 95,009.95

Contract Times prior to this Change Order  
Completion Time: 60 calendar days  
Completion Date: October 19, 2000

Net Increase (decrease) of this Change Order  
\$ 1,030.67

Net Increase (decrease) of this Change Order  
0


Contract Price with all approved Change Orders  
\$ 96,040.62

Contract Times with all approved Change Orders  
Completion: 60 Calendar days  
Completion Date: October 19, 2000

RECOMMENDED:

APPROVED:

ACCEPTED:

By:   
Scott A. Nelson, Western Con., Inc.

By: \_\_\_\_\_  
Steve Golnar, City of Livingston

By: \_\_\_\_\_  
T. Patrick O'Hara, O'Hara Excavation

Date: 2/1/01

Date: \_\_\_\_\_

Date: \_\_\_\_\_



February 1, 2001

Mr. Clint Tinsley  
Superintendent Public Utilities  
City of Livingston  
330 North Bennett Street  
Livingston, MT 59047-2746

RE: Sewer Main Replacement Located Between 10<sup>th</sup> & 11<sup>th</sup> Streets From Lewis to Geysers Street.

Dear Clint,

Enclosed please find a letter from Tim O'Hara regarding the close out of the above project. I have prepared Change Order #2 to cover the increase for the water mains and the deduction for the paving around the manholes. I have also prepared a final payment request for this project.

Please review and if these are acceptable I will forward to Tim O'Hara for signatures. If you have any questions, please feel free to call.

Sincerely,

A handwritten signature in cursive script that reads 'Scott A. Nelson'.

Scott A. Nelson, P.E.

# O'Hara Excavation

Excavating • Environmental Remediation • Trucking

Tim O'Hara • 1106 West Park, #410, Livingston, MT 59047 • Phone 406-222-2277

January 29, 2001

RECEIVED JAN 31 2001

Western Consulting  
Scott Nelson  
PO Box 1430  
Livingston, MT 59047

**RE: Project Closeout**  
**Sewer main replacement between 9<sup>th</sup> & 11<sup>th</sup> & Lewis & Geysler Streets**

Dear Scott,

In reference to your letter dated December 14, 2000, O'Hara Excavation agrees with the following offer:

- ◆ Compensation of \$1780.67 for O'Hara invoices #5720, #5721, and #5854
- ◆ The asphalt contractor accepts a deduction of \$750.00 from the final amount due to cover the City's expense for correcting two manholes which were not adjusted to grade.
- ◆ The project is accepted in full and O'Hara Excavation will be paid all remaining monies.

Please pass this information on to the City.

Thank you.

Sincerely,



T. Patrick O'Hara



March 5, 2001

Agenda Item #6.A.: Discuss Further City Commission Direction on Upcoming Re-draft of City of Livingston Source Water Protection Plan and Overlay Zone

I have reviewed the DEQ Model Source Water Ordinance and have some initial comments. They include:

**Jurisdiction.** The ordinance anticipates 5 miles from the City limits which implies City and County cooperation.

**Permit Officer.** A pollution prevention permit is required within the control or inventory region. Sections 8 and 9 of the proposed model ordinance describe the designation of a permit officer and their duties. Initial questions include, who would do this, (I anticipate it may include the Park County Sanitarian, City and County Planner's and possibly the Building Inspector.)

**Expertise?** We have limited local expertise relating to potential impacts to the ground water. This may require outside help with staff reports. (How do we pay for this additional load on staff and potential consulting services?)

**Frequency.** How often do we anticipate encountering request for permits? I'd anticipate we would receive fewer requests for permits and drilling of wells within the City verses those outside of the city.

**Section 10.** A Board of Appeals has established which appears to be the City/County Board of Health. Mr. Woodhull informs me that the option of coordinating this with the Board of Health was looked at when the ordinance was considered a number of years ago and rejected. Perhaps we can get more information from Mr. Woodhull at the meeting.

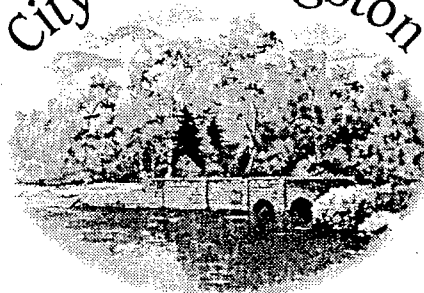
**DEQ Report and Colored Maps.** Colored maps are being distributed to the City Commissioners so that they get a better idea of the DEQ's report and findings.

I will be requesting that the DEQ prepare a map overlaying all the inventory regions and capture zones on one map so that we can get a better idea of what type of protected source water area we are looking at.

Page 17 of the DEQ report (Table 10), "Susceptibility Assessment for those City of Livingston Wells" needs more explaining. I would like to understand how we use this information to develop a management plan.

**RECOMMENDATION:** I believe the above items need to be addressed in creating direction any future development of the source water protection ordinance.

# City of Livingston



Incorporated 1889

City Manager  
Steve Golnar

(406) 222-2005 phone  
(406) 222-6823 fax  
ci.livingston.mt.us

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Chairwoman  
Caron Cooper

City Commissioners  
Tim Stevens, Vice Chairman  
Mike Doyle  
Vicki Blakeman  
Matt Henry

February 22, 2001

MEMO TO: Livingston City Commission  
Clint Tinsley, Supt. Public Utilities  
Jim Woodhull, City Planner  
Dale Reinhart, Chairman City/County Planning Commission

FROM: Steve Golnar, City Manager 

SUBJECT: Water Source Protection Ordinance Redraft Information

Enclosed for your information is a copy of the Montana Department of Environmental Quality's model Source Water Protection Ordinance. Also enclosed is a copy of the Missoula Valley Water Quality Ordinance. Finally enclosed is the Source Water Delineation and Assessment Report - City of Livingston, created by Russel Levens, Professional Hydrologist with the Department of Environmental Quality staff. Comments on this draft report will be forwarded to you when they are developed. I also contacted DEQ relating to the BN plume map and buffer zone. This is still being worked on. I will provide you more information as I receive it.

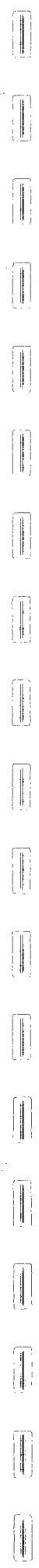
**Purpose of this material packet:** This information is being provided in advance of the next City Commission meeting on March 5, 2001 to provide the Commission with back ground to give further direction to staff in developing a Water Source Protection Ordinance. This discussion will take place as an action item on the agenda with the expectation that an ordinance for first reading will be ready for the March 19, 2001 meeting. If you have any comments or ideas relating to the creation of the ordinance prior to the meeting, please don't hesitate to contact me or City Attorney Bruce Becker.

Cc: Robert Schmidt, Chairman Park County DES  
Belinda VanNurden, Park County DES Coordinator  
Ellen Woodbury, Park County Planner



# DEQ Model Source Water Protection Ordinance

---



NOTE TO USERS: THE APPROACH DESCRIBED HEREIN REQUIRES THE CITY OR TOWN TO ISSUE A POLLUTION PREVENTION PERMIT FOR CERTAIN LAND USES WITHIN THE CONTROL AND INVENTORY REGIONS OF THE SOURCE WATER PROTECTION AREA. THESE REGIONS ARE DELINEATED PURSUANT TO THE EPA APPROVED SWP PROGRAM.

THE PERMIT APPROACH ALLOWS LOCAL GOVERNMENT TO ENSURE THE SOURCE OF WATER USED BY THE PWS HAS LOW SUSCEPTIBILITY TO POTENTIAL CONTAMINANTS THAT MAY BE GENERATED BY CHANGES IN LAND USE. SUSCEPTIBILITY IS DETERMINED BY FOLLOWING THE EPA APPROVED SWP PROGRAM AND IS BASED ON THE TYPE OF LAND USE ACTIVITY PROPOSED PLUS A CONSIDERATION OF THE NATURAL OR MAN-MADE BARRIERS TO CONTAMINATION.

AN ALTERNATE MODEL ORDINANCE IS ALSO BEING DEVELOPED WHICH ALLOWS A CITY OR TOWN TO SIMPLY PROHIBIT THE STORAGE OF CERTAIN HAZARDOUS MATERIALS IN QUANTITIES ABOVE A SPECIFIED THRESHOLD WITHIN THE CONTROL AND INVENTORY REGIONS.

**February 17, 2000**

G:\PPB\Source Water Protection Section\FORMS\MODORD.doc

**MONTANA DEPARTMENT**

**OF  
ENVIRONMENTAL QUALITY**

**Planning, Prevention and Assistance Division  
Pollution Prevention Bureau  
*Source Water Protection Program***

***MODEL  
SOURCE WATER PROTECTION  
ORDINANCE***

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## INTRODUCTION

This Model Source Water Protection Ordinance is intended to serve as an example for cities and towns to consider in preparing a source water protection ordinance. The Montana Department of Environmental Quality (DEQ) encourages local governments to adapt the Model to match local concerns and needs.

A Source Water Protection Ordinance is an alternative to traditional zoning and focuses on activities that may affect public health and welfare. One key element of traditional zoning is separating uses by dividing the jurisdiction into use districts (zones). In contrast, source water protection ordinances, through a permit process, usually focus on the character or quality of development or land use, with less emphasis on regulating the location of development by land use type.

Source water protection ordinances eliminate specific use districts (zones) and set out requirements that apply to new development or modified land uses within the jurisdiction. A

development or land use generally is allowed within the jurisdiction provided it meets the standards and requirements that are intended to protect the source of water used by the public water supply. Thus, public health protection is achieved by ensuring that certain land uses or development within the jurisdiction install and/or maintain barriers between potential contaminants and the source of water used by the public water supply.

A city or town has tremendous flexibility to craft any type of source water protection regulation or ordinance that will fit its needs. Montana law imposes few constraints on the content, substance and structure of regulations or ordinances intended to protect public health and welfare. Federal courts have established a number of Constitutional and legal constraints on regulation of private land, but otherwise a local government has great latitude to develop useful and effective regulations that suit the community.

Local officials should not simply copy the provisions suggested in this Model into a local ordinance. The planning board, governing body, planner or consultant, and interested citizens should analyze every provision in proposed ordinance to assess its purpose, whether it is needed, clearly written, and the best wording to accomplish its purpose. Local officials should carefully scrutinize each provision of this Model. Unneeded provisions should be omitted, any inappropriate or improper provisions should be modified to suit the community, and other appropriate provisions specific to the community should be added.

If you have any questions about this Model, please contact the Department of Environmental Quality, Source Water Protection Program, POB 200901, Helena MT 59620-0901 or call (406) 444-4806.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO SECURE AND PROMOTE GENERAL PUBLIC HEALTH AND WELFARE IN \_\_\_\_\_, MONTANA BY REGULATING THE USE OF LAND, BUILDINGS, AND OTHER STRUCTURES USED FOR BUSINESS, INDUSTRY, RESIDENCES, AND OTHER PURPOSES IN ORDER TO PROTECT THE WATER QUALITY OF THE PUBLIC WATER SUPPLY; AND PROVIDING FOR AMENDING THE ORDINANCE.

WHEREAS, Title 7, Chapter 1, Section 4123 (2), MCA, a municipality has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to secure and promote the general public health and welfare, and

WHEREAS, Title 7, Chapter 1, Section 4306 MCA, the mayor has power to exercise the power as may be vested in the mayor by ordinance of the city or town, in and over all places within 5 miles of the boundaries of the city or town for the purpose of enforcing the health and quarantine ordinances and regulations of the city or town, and

WHEREAS, the city or town of \_\_\_\_\_ deems it necessary for the purpose of promoting the health and general welfare of the city or town to enact certain regulations to protect the source of water used by the public water supply,

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF \_\_\_\_\_,  
MONTANA:

## MODEL SOURCE WATER PROTECTION ORDINANCE

### SECTION 1. TITLE.

This Ordinance shall be known as the A\_\_\_\_\_ Source Water Protection Ordinance.@

### SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to Section 7-1-4123 MCA which states that a municipality has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to secure and promote the general public health and welfare

### SECTION 3. APPLICABILITY

It shall be the responsibility of any person owning real property and/or owning or operating a business within the jurisdiction described below to conform and comply with the applicable provisions contained in this Ordinance. Ignorance of this provision shall not excuse any violations of the provisions of this Ordinance.

### SECTION 4. PURPOSE.

The \_\_\_\_\_ Source Water Protection Ordinance is intended to protect the public health and general welfare of those using the public water supply for drinking water. The provisions of the Ordinance are intended to be a health ordinance and shall be effective within the city of \_\_\_\_\_ and all places within five miles of the boundaries of the city as specified in Section 6. This Ordinance establishes prohibitions and restrictions to prevent surface and ground water contamination to protect public health and general welfare. This Ordinance shall be broadly construed to effect its purposes. Nothing in this Ordinance shall relieve a person from the requirements of any other local, state, or federal law. Where this Ordinance duplicates any other local, state, or federal statute or regulation, the more stringent applicable regulation shall govern.

### SECTION 5. JURISDICTION.

The area included within the jurisdiction of this Ordinance shall include portions of the incorporated and unincorporated area extending outward from the public water supply intake (s) and beyond the boundary of the city a distance of five miles as defined by the \_\_\_\_\_ Source Water Delineation and Assessment Report. This area is also known as the \_\_\_\_\_ Source Water Protection Area as shown on Attachment A.

### SECTION 6. PERMIT REQUIRED.



### A. Pollution Prevention Permit

1. A Pollution Prevention Permit must be obtained from the Permit Officer before any person may begin to construct, place, move, expand, structurally alter, or use:

- a. A single or multi-family residence requiring an on-site sewage disposal system.
- b. A commercial building, site, or facility.
  - 1. An industrial building, site, or facility.

2. A Pollution Prevention Permit may be issued only when the proposed building, structure, parcel or use will meet the requirements specified in Section 17, Requirements For Permit Approval, of these regulations.

### B. Exceptions

No Pollution Prevention Permit is required for:

- 1. a proposed building, structure, parcel or land use outside of the control or inventory region.

## SECTION 7. DEFINITIONS

Terms used in these regulations shall have the following meanings:

**Best Management Practices:** Strategies for managing land use that protect water quality while promoting economic sustainability. Also known as water quality protection practice.

**BARRIER:** A natural or man-made structure, construction method, or management control intended to prevent the contamination of a source water.

**Certified Source Water Protection Area:** A source water protection plan that conforms to the Montana Source Water Protection Program and has been certified by DEQ. The certification is issued for a five-year period.

**COMMERCIAL AGRICULTURE:** Any premises, facility, or use of land for the processing, storage, disposal, loading or transporting of (1) agricultural products produced off the premises or by other than the owner of facility, or (2) commercial products for use by agricultural operators. "Commercial agriculture" includes facilities such as grain elevators, railroad loading facilities, crop and meat processing plants, rendering plants, slaughterhouses, fertilizer plants, alfalfa dehydration plants and commercial feedlots as defined in these regulations.

**COMMERCIAL FEEDLOT:** Any premise on which at least 100 head of cattle or the equivalent number of animal units of other livestock animals are confined for the purpose of feeding or fattening for market, and where 25 percent or more of the animals are not produced by the owner or the facility. "Commercial feedlot" does not include the normal seasonal feeding or wintering of livestock produced by the owner.

commercial building, site, or facility: Any use of land for the sale, offering for sale, purchase, or any other transaction involving the handling or disposition of any article, commodity, substance, or service; also the occupancy or management of office buildings, and the use of structures or premises by professions and trades or persons rendering services.

Conditionally Exempt Small Quantity Generator: A Conditionally Exempt Small Quantity Generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 261, is one who in a calendar month generates no more than 100 kilograms (220 lbs or 25 gallons) of hazardous waste or less than 1 kilogram of an acute hazardous waste. Additionally, the generator must never accumulate more than 1000 kilograms (2200 lbs or 250 gallons) of hazardous waste at any time.

Control Region: A sub-area within the source water protection area that is usually circular and managed to protect against direct introduction of contaminants or damage to the well. Also known as the control zone or exclusion zone.

COVENANT: An agreement, in writing, of two or more parties by which any of the parties pledges himself to the others that something is done or will be done.

Pollution Prevention Permit: A document issued by the city of \_\_\_\_\_, authorizing construction of structures, use of structures, or a specific change in land use, as required under Section VI. of this ordinance.

Delineation: A process of defining the boundaries of groundwater flow to a well.

DEVELOPMENT: A change in land use.

DWELLING UNIT: A building or portion of a building providing cooking, eating, sleeping, and living facilities for one or more persons.

HAZARDOUS MATERIAL: substances which, because of quantity, concentration, or physical, chemical, infectious characteristics, radiomutagenicity, carcinogenicity, persistence in nature, or any other characteristics relevant to a particular material that may cause significant harm to human health and/or environment.

industrial building, site, or facility: Any use of land for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, commodity, or any other treatment in such a manner as to change the form, character or appearance thereof, including warehouses, wholesale storage, storage elevators, truck storage yards, and gasohol or ethanol plants.

Intensive Management: Management techniques applied to areas where contaminants can reach groundwater and easily be drawn into a well. Examples are controlling land use by ownership or easements on the land.

INVENTORY REGION: A sub-area within the source water protection area that extends a specified distance from the well in an upgradient direction based on a fixed distance or time of

travel.

**Maximum Contaminant Level:** Maximum concentration of a substance in water that is permitted to be delivered to the users of a public water supply. Set by EPA under authority of the Safe Drinking Water Act

**Protective Management.** Management techniques applied to areas where contaminants cannot easily gain access to groundwater and be drawn into the well. Examples are best management practices or public education.

**PUBLIC FACILITY:** Any structure or facility constructed to serve the residents of a subdivision or the general public, such as parks, streets and roads, sidewalks, curbs, gutters or drainage swales, street lighting, utilities, and systems for water supply and sewage disposal.

**Radial Collection Well:** A well that uses horizontal pipes to increase the amount of contact between well screen and aquifer thus enhancing the amount of water the well can produce.

**Recharge Region:** A region that coincides with the geologic and hydrologic features that allow water to enter the portion of the aquifer supplying water to a well. In unconfined, fractured bedrock aquifers, this region is intensively managed to prevent contaminants from entering the groundwater. In confined aquifers, this region is managed to maintain or improve the quality of the drinking water supply.

**Regulated Substance:** Any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, welfare, to groundwater resources or to the natural environment. Regulated Substances include those materials subject to the following regulations which meet the requirements of this definition:

- A. Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601-9675;
- B. Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. §§ 1251-1387;
- C. Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. §§ 136-136Y;
- D. Emergency Planning and Community Right-to-Know Act of 1986 (EPCRTKA), 42 U.S.C. §§ 11001-11050;
- E. Hazardous Materials Transportation Act (HMTA), 49 App. (U.S.C.) §§ 1801-1819;
- F. Hazardous and Solid Waste Amendments of 1984 (HSWA), Pub.L. 98-616, Nov. 8, 1984, Stat. 3221;
- G. Solid Waste Disposal Act and Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901-6992K;
- H. Superfund Amendments and Reauthorization Act (SARA), Pub. L. 99-499, as amended by Pub. L. 99-563, Pub. L.100-102, and Pub. L. 101-144;
- I. Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2654;

**RESIDENTIAL USE:** The use of land for the location of a structure to be used as the private dwelling place or sleeping place of one or more persons.

**SET BACK:** The horizontal distance required between any structure and a specified object,

boundary, lot line or right-of-way line.

**Small Quantity Generator (SQG):** A small quantity generator, as defined by the Resource Conservation and Recovery Act of 1976, 40 Code of Federal Regulations 260, is one who generates less than 1000 kilograms (2200 lbs or 250 gallons) of hazardous waste in a calendar month.

**Sole Source Aquifer:** An aquifer that is determined by the EPA to be the sole or principal source of drinking water for a given population.

**SOURCE WATER:** Any water used by a PWS such as ground water, surface water, springs, or any combination thereof.

**Source Water Delineation and Assessment Report:** A written report in which source water protection areas are delineated, potential contaminant sources are identified, and susceptibility of a drinking water source to contamination is assessed.

**Source Water Protection Area:** the surface and subsurface area surrounding a water well, wellfield, spring, or surface water intake supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well, wellfield, spring, or surface water intake. The methodology to derive source water protection areas has been developed by the Department of Environmental Quality. The minimum extent of the area is established by the Montana Source Water Protection Program

**Spill:** The unpermitted release or escape of a regulated substance directly or indirectly to water, air, or soil.

**SPILL PREVENTION PLAN:** A written document that identifies regulated substances at a facility or site and describes management methods to prevent a release to water, air, or soils.

**Stormwater:** The flow of water that results from and which occurs immediately following a rainfall event.

**STRUCTURAL ALTERATION:** The modification of a building that changes its exterior dimensions or its roof line(s).

**STRUCTURE:** Any object constructed or placed at a fixed location on the ground. Structures include buildings, mobile homes, walls, fences, and signs.

**Susceptibility:** An assessment of the potential for a PWS to draw contaminated water based on pumping characteristics and a consideration of the quantity, toxicity, and location of a potential contaminant source relative to barriers to contamination. Susceptibility is evaluated at the point immediately preceding water treatment or, if no treatment is provided, at the entry point to the distribution system.

**Synthetic Organic Compounds:** Man made organic chemical compounds. Used in SWPP to refer to herbicides and pesticides that PWS are required to sample for.

**Total Maximum Daily Load (TMDL):** The total pollutant load to a surface water body from point, non-point, and natural sources. TMDLs can be expressed in terms of either mass per time,

toxicity, or other appropriate measure. The TMDL program was established by section 303(d) of the Clean Water Act to help states implement water quality standards.

**Volatile Organic Compounds:** Organic chemical compounds that have low vapor pressure and therefore are easily released into air as vapor. Commonly found in paints, solvents, and petroleum products.

**Zone of Contribution:** The land surface around a pumping well that encompasses all areas and features that supply groundwater recharge to a pumping well.

## SECTION 8. DESIGNATION OF PERMIT OFFICER; DUTIES

### A. Designation of Permit Officer

The city council shall designate a Permit Officer (Public Works Director, Certified PWS Operator, City Planner, Building Inspector) to administer and enforce this ordinance. The city council may direct city personnel or departments to provide assistance as appropriate.

### B. Duties of the Permit Officer

1. The Permit Officer shall receive applications for Pollution Prevention Permits; review applications and plans; issue Pollution Prevention Permits; and conduct inspections of premises and properties.
2. Where the Permit Officer finds that any of the provision of this ordinance is being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal uses, buildings or structures or of illegal additions, alterations, or structural changes; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.
3. The Permit Officer shall serve as an advisor to the city council on matters relating to these regulations; prepare staff reports as required; and prepare and maintain records of all proceedings required or authorized under these regulations.

## SECTION 9. PROCEDURES FOR APPLICATION, REVIEW, GRANTING A POLLUTION PREVENTION PERMIT

### A. Procedures for Applying for a Pollution Prevention Permit

1. A Pollution Prevention Permit must be obtained from the Permit Officer before any building, other structure, or land listed in Section 6, Permit Required, may be used or occupied, or before any building or other structure permitted under these regulations may be erected, placed, moved, expanded, or structurally altered. The Permit Officer may issue a Pollution Prevention Permit only when the proposed building, structure, parcel or use will meet the requirements of these regulations.

2. Before commencing a use, or constructing, erecting, expanding, altering or modifying a building or structure permitted under Section 6, Permit Required, a person must submit a completed application form to the Permit Officer with all of the required information, including plans drawn to scale, showing the actual dimensions and shape of the lot, the sizes and location of existing and proposed buildings and other structures. The application shall include any additional information required by the Permit Officer, including a description of the uses of buildings and land; pollution prevention activities to be employed; drainage structures, waste disposal structures; the number of families, dwelling units, or rental units proposed which will use septic systems; conditions existing on the lot; and such other matters as may be necessary to determine conformance with these regulations.

#### B. Reviewing and Issuing a Pollution Prevention Permit

1. The Permit Officer shall review the application to ensure the required information is submitted and is complete. When the application and submitted information are complete, the Permit Officer shall determine whether the proposed building, structure, alteration, or use is permitted at the proposed location, and whether the proposal will comply with the provisions of these regulations.

2. Should the Permit Officer find that the proposal is a permitted use in the applicable location and will conform to all requirements, he shall issue the applicant a Pollution Prevention Permit.

3. Should the Permit Officer find that the proposed use or structure is either not permitted in the applicable location or will not conform to all requirements of these regulations, he shall deny the application and state in writing that the application is denied, and explain the reasons for denial. The statement accompanied by one copy of the application shall be sent to the applicant.

4. Construction, installation, alteration, placement or use must comply with the plans approved by the Permit Officer.

5. A Pollution Prevention Permit shall be in effect for five years from the date of approval.

### SECTION 10. BOARD OF APPEALS

#### A. Board of Appeals Established

A Board of Appeals (herein after referred to as "the Board") is hereby established. The Board shall consist of the county or city-county board of health appointed pursuant to Title 50, Chapter 2, et seq. MCA.

#### B. Powers of the Board of Appeals

The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of these regulations.

2. To grant variances from the requirements of these regulations when (1) the granting will not be contrary to the public health or and welfare, (2) where owing to special conditions a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and (3) where the granting of the variance will observe the spirit of the regulations and ensure the applicant holds the rights commonly enjoyed by other persons similarly situated under the terms of the ordinance. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties, or consequences of actions by the property owner are not "hardships" for source water protection purposes.

3. The Board may, approve, conditionally approve, or deny any request for a variance from the requirements of these regulations. The Board must act on requests for variances in accordance with Subsection E, Requirements Governing Granting of A Variance, below.

#### C. Proceedings of the Board of Appeal

1. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. Meetings shall be open to the public.

2. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if a member is absent or fails to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

#### D. Procedures for Variance Requests

1. Applications for a variance to the Board of Appeal may be submitted by any person as provided by the rules of the Board, by filing an Application for Variance with the Permit Officer.

2. The Application for Variance must specifically set forth the reasons for requesting the variance, as indicated on the Application form.

3. The Board shall fix a reasonable time for the hearing of the variance request, give notice of the hearing at least 7 days prior to holding a public hearing, and shall notify the applicant by mail.

4. At the hearing any party may appear in person or be represented by an agent or attorney.

#### E. Requirements for Granting a Variance

1. To grant a variance the Board must make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, will not be

injurious the source water used by the PWS, is the minimum variance that will make possible the reasonable use of the land, building or structure, and will otherwise not be detrimental to the public health or welfare.

2. In addition the Board must determine that:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the jurisdiction.
- (b) A literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
- (c) The special conditions and circumstances do not result from the action of the applicant;
- (d) Granting the requested variance will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the jurisdiction.

1. The variance must prevent public water supply contamination and protect

public health and welfare to an extent similar to the requirement(s) from which the variance is sought.

3. Neither the permitted or nonconforming use of other lands, structures or buildings in the jurisdiction, are grounds for the issuance of a variance.

#### F. Procedures for Hearing and Acting on Appeals from Actions of Permit Officer or Board

1. The Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by any the Permit Officer in the enforcement of these regulations.

2. Any person or any officer of the city government may file a notice of appeal of any decision made by an administrative person or body within 60 days of date the subject decision was made. The notice of appeal, submitted to the Permit Officer, must comply with the rules adopted by the Board of Appeal.

3. The Permit Officer shall promptly transmit to the Board of Appeal the notice of appeal and all papers constituting the record of the subject decision.

4. The Board of Appeal shall fix a reasonable time for a hearing of the appeal, give public notice and notify the affected parties. At the hearing any party may appear in person or be represented by agent or attorney.

5. The Board of Appeal, in conformity with the provisions of these regulations, may reverse, affirm, wholly or in part, or modify the order, decision or action appealed and may make such order, decision, or action as deemed necessary, and to that end shall have the powers of the



administrative official whose decision is appealed.

#### G. Stay of Proceedings

An appeal stays any further proceedings of the action appealed until the Board of Adjustment has heard and decided on the appeal.

#### H. Appeals From Decisions of the Board of Appeal

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Appeal, any taxpayer, or any officer, department or board of the county may present to the district court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision by the Board.

### SECTION 11. NONCONFORMING USES AND STRUCTURES

#### A. Purpose

1. Within the jurisdiction described in Section 4, structures and uses of land and structures may exist which were lawful at the time these regulations were adopted or amended, but which would be prohibited or regulated under the terms of these regulations or future amendment. The intent of this Section is to permit these non-conformities to continue until they are removed, but not to encourage their survival. These regulations further intend that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the jurisdiction.

2. Nonconforming uses and structures are declared by these regulations to be incompatible with permitted uses and structures. However, to avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and where actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### B. Nonconforming Uses of Land and Structures

Where, at the time of passage of these regulations, a lawful use of land or a structure exists which would not be permitted by the ordinance, the use or structure may be continued where it remains otherwise lawful, provided:

1. A nonconforming use or structure may not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of these regulations.

2. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to the regulations specified by these regulations for the district in which such land is located.

3. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of these regulations.

4. Nothing in these regulations shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.

5. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

## SECTION 12: REPORTING OF SPILLS AND UNAUTHORIZED DISCHARGES

A. Any unauthorized discharge of a Regulated Substance(s), in excess of five (5) gallons if a liquid, or twenty-five (25) pounds if a solid, shall be reported immediately by the facility owner, operator, or other responsible party to the City.

Such notification shall in no way alleviate the owner, operator, or responsible party from other Local, State, or Federal reporting obligations required by law. The owner, operator, responsible party, or person providing notification shall inform the City of the substance(s) discharged, the amount, location, duration of discharge and the potential hazard to groundwater, if known.

B. A discharge of any quantity of a Regulated Substance must be remediated such that contamination of soils, surface water, or groundwater is brought into compliance with local, State and/or Federal standards.

C. Clean-up activities shall begin concurrent with or immediately following emergency response activities. A full written report including the steps taken to contain and clean up the spill shall be submitted to the City within forty-five (45) days of the discovery of the spill.

D. Any person responsible for a spill or unauthorized discharge shall be subject to the clean-up

provisions in this Ordinance.

## SECTION 13. AMENDMENTS TO THESE REGULATIONS

### A. Initiation

Proposals to amend, supplement, modify or repeal any of the provisions of these regulations may be initiated by the city council, or by petition of any interested resident or property owner. The petition shall be submitted to the city council through the Permit Officer, which shall review the petition, consider its merits and make a recommendation to the city council.

### C. Procedures by City Council

1. The city council shall hold public hearings on proposed amendments or repeals referred by petition or other initiation at which parties in interest and citizens shall have an opportunity to be heard. Notice of the hearing shall be published in the local newspaper once a week for 2 weeks prior to the hearing. The notice shall state:

- a. the boundaries of the jurisdiction affected by the proposed amendments;
- b. the general character of the proposed amendments;
- c. the time and place of the public hearing; and
- d. that the proposed amendments are on file for public inspection at the office of mayor.

2. After the hearing the city council shall review the recommendations of the Permit Officer and make revisions as they deem appropriate.

3. The city council may pass a resolution of intention to amend the Pollution Prevention Permit regulations.

4. The city council shall publish notice of passage of the resolution of intention once a week for 2 weeks. The notice shall state:

- a. the boundaries of the jurisdiction affected by the proposed amendments;
- b. the general character of the proposed amendments;
- c. that the proposed amendments are on file for public inspection at the office of the mayor; and

d. that for 30 days after the first publication of notice, the city council will receive written protests to the proposed amendments from persons owning real property within the jurisdiction of this Ordinance whose names appear on the last completed assessment roll of the county.

5. Within 30 days after the expiration of the protest period, the city council may adopt the resolution amending these Regulations; but if 40% of the persons owning real property within the jurisdiction shall have protested the amendments, the city council shall not adopt the amendments.

## SECTION 14. REVIEW FEES

A. The city council shall establish by resolution a schedule of fees and charges and a collection procedure for Pollution Prevention Permits, conditional use permits, variances and appeals.

B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.

## SECTION 15. ENFORCEMENT; VIOLATIONS; PENALTIES

### A. Clean-up and Reimbursement

Any person subject to this Ordinance shall be liable for any damage caused by a Regulated Substance(s) present on or emanating from the person's property, including motor vehicles, for all costs of removal or remedial action incurred by the City, and damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from the release of a Regulated Substance. Such removal or remedial action by the City may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

### B. Enforcement

1. Whenever a violation of these regulations occurs or is alleged to have occurred, the Permit Officer or any person may file a written complaint. The complaint, stating fully the causes and basis of the alleged violation, shall be filed with the Permit Officer. He shall properly record the complaint and immediately investigate and take action as provided by these regulations.

2. The Permit Officer shall notify in writing the owner of the property alleged to be in violation in person, by first class mail or posting notice on the site. The notice shall describe the violation, cite the sections of these regulations being violated, and order the owner to attain compliance within 30 days.

3. Any person who has been notified of a violation of these regulations may

- a. Request an inspection by the Permit Officer to show that the property has been brought in compliance within the allowed 30-day period;
- b. File a written request for an extension of time to attain compliance; or
- c. File an appeal to the Board of Appeal in accordance with the provisions of Section 12, F, of these regulations.

4. Where a person fails to attain compliance within the specified time period, or to show on appeal that a violation did not occur, the Permit Officer shall request that the city attorney commence legal action.

### C. Violations

Violation of the provisions of these regulations or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or any of the requirements for conditions imposed by the city council shall constitute a misdemeanor.

### D. Penalties

1. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and be punishable as such.

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense and suffer the penalties specified above.

3. Nothing set forth in this section shall prevent the city from taking other lawful action as is necessary to prevent or remedy any violation.

## SECTION 16. SEPARABILITY CLAUSE

If any section or provision of these regulations is declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

## SECTION 17. REQUIREMENTS FOR PERMIT APPROVAL

A Pollution Prevention Permit will be issued only when the applicant demonstrates that the proposed development or land use activity will comply with the following standards.

### A. Land Uses and Development Must Not Cause High Source Water Susceptibility to Sources of Regulated Contaminants

Land uses and developments may not result in exposure of the source water used by the PWS to high susceptibility to contaminant sources as determined by a susceptibility assessment completed pursuant to Section 5 of the Montana Source Water Protection Program (see Attachment A).

### B. Developments Must Be On Suitable Lands

Developments are prohibited:

1. Where on-site individual septic sewage disposal systems or Underground Injection Wells are proposed and the water table rises to within 6 feet of the ground surface.

2. Where stormwater runoff or rapid infiltration occurs from impervious surfaces that are subject to the discharge of potential contaminant sources.

C. Land Uses and Developments May Not Adversely Affect Public Health or Safety

1. All facilities, structures, or uses that include handling or storage of regulated materials must employ 100% spill containment and implement a spill prevention plan. All spill prevention plans shall be reviewed and approved by the Permit Officer prior to construction or site occupation.

2. Structures, wells, and septic tanks must be set back at least 100 feet from streams, lakes, and identified 100-year floodways

3. Discharges to surface waters or ground waters shall be prevented unless authorized by a Montana Pollution Discharge Elimination System permit.

1. Grading and drainage facilities shall be designed to remove storm run-off waters and prevent accumulation of standing water. Stormwater disposal structures must ensure pretreatment for the removal of solids, floatable oils/lubricants, or any regulated substances.

5. Developments or land uses may not impede or diminish the quality of, add sediments or other contaminants to, or otherwise adversely affect ground or surface water sources used by the PWS.

**FACTORS THAT DETERMINE SUSCEPTIBILITY (EPA 816-R-97-009)**

- The physical integrity of the well/intake and the connection between the well/intake and the distribution system.
- The physical, chemical, geologic, hydrologic and biologic characteristics of the area over which, or through which the contaminants(s) will move.
- The nature and amount of contaminant(s) present at the well/take or in upgradient water.
- The nature and amount of contaminant(s) present in a source(s) and the likelihood of significant contaminant release from the source(s) based, in part, on the effectiveness of pollution-prevention measures at the sites of potential source(s) of contamination.

Type of Contaminant Source		High Hazard	Moderate Hazard	Low Hazard
SURFACE WATER	Point Sources of Nitrate or Microbes	Potential for direct discharge to source water	Potential for discharge to groundwater hydraulically connected to source water	Potential contaminant sources in the watershed region
	Point Sources of VOCs, SOCs, or Metals	Potential for direct discharge of large quantities from roads, rails, or pipelines	Potential for direct discharge of small quantities to source water	Potential for discharge to groundwater hydraulically connected to source water
WELLS	Point Sources of All Contaminants (Unconfined)	Within 1-year TOT	1 to 3 years TOT	Over 3 years TOT
	Point Sources of All Contaminants (Confined)	PWS well is not sealed through the confining layer	Well(s) in the inventory region other than the PWS well are not sealed through the confining layer	All wells in the inventory region are sealed through the confining layer
ALL	Septic Systems	More than 300 per sq. mi.	50 - 300 per sq. mi.	Less than 50 per sq. mi.
	Municipal Sanitary Sewer (% land use)	More than 50 percent of region	20 to 50 percent of region	Less than 20 percent of region
	Cropped Agricultural Land (% land use)	More than 50 percent of region	20 to 50 percent of region	Less than 20 percent of region

Presence of Barriers	Hazard		
	High	Moderate	Low
No Barriers	Very High Susceptibility	High Susceptibility	Moderate Susceptibility
One Barrier	High Susceptibility	Moderate Susceptibility	Low Susceptibility
Multiple Barriers	Moderate Susceptibility	Low Susceptibility	Very Low Susceptibility

March 5, 2001

Agenda Item #6.B.:        Review Proposals for Lead Organization for Certified Communities Program

We received two proposals for lead organizations for the Certified Communities Program. Proposals are enclosed from Park County Economic Development Corporation and the Livingston Area Chamber of Commerce. Also enclosed for your reference is the lead organization request for proposals.

The designation of lead organization for the Certified Communities Program must be determined both by the City and Park County. The City of Livingston's revenue generated from lead organization funding, which is secured for the next 2 years, is approximately \$3,600 per year. If the same lead organization is designated county-wide, then approximately \$8,000 per year in funding will be available. The designation of a lead organization creates a point of contact for the Certified Communities Program to contact with potential clients and also to provide training and orientation and to ensure that community profile information is kept up to date and a recruitment team is on the ready.

The current Park County Economic Development Corporation has served the role of lead organization for Livingston and Park County for the last two times that Certified Communities Program lead organization certification was requested by the State ('97 & '94). In addition, Park County Economic Development Corporation provides revolving loan review and recommendation services for the City of Livingston, LRC - CDBG revolving loan fund of approximately \$500,000, the County revolving loan fund of approximately \$300,000, and a USDA revolving loan fund of approximately \$90,000 for business emergency assistance resulting from the Yellowstone River floods. While the revolving loan administration services are not part of the Certified Community designation, both proposals that are before you include the employment of a full time Economic Development Director to lead the economic development efforts. I believe they also presume that management of revolving loans would be a part of their operation and partial revenues from interest on the loans would help to support the organization.

In talking with the Certified Communities Program, it is their expectation and desire to work with one lead organization for the community. They also informed me that representatives from both PCEDC and the Chamber could attend the training on March 8<sup>th</sup> and 9<sup>th</sup>.

We can only afford one lead organization for the community. The existing economic development effort does need some retooling to make it meet the needs of the community and be broad based in its access to the community and support from it. The Park County Economic Development Committee needs to go through a significant revamping of board representation and staff expertise which would allow for the creation of a community economic vision, short and long term plans for economic development, or the organization needs to be replaced. This economic vision should contribute and coordinate with the community's long term vision



which is being developed in coordination with the growth management planning process.

I have tried to get the Chamber of Commerce and Park County Economic Development to work together with a joint proposal for a revised economic development approach and a coordinated lead organization. This has not happened as evidenced by the two competing proposals. I have heard concerns from Mr. Ed Carrell, County Commissioner, and member of the Park County Economic Development Board, that he would like to have the opportunity for the City and the County to discuss what each body's opinion and direction is as to who should be the lead organization and how it should be organized prior to making this decision. I have also been invited to presentations from both PCEDC and the Chamber of Commerce to the Park County Commissioners at 9:00 a.m. on Monday, March 5, 2001 in their chambers.

**RECOMMENDATION:**

I tend to favor maintaining PCEDC as the independent lead organization and seeking significant retooling of Board representation and staff to make it work. I also suggest that this issue be placed on the City/County agenda for March 7<sup>th</sup> at 4:00 p.m. I also would like to know if any City Commissioners can attend the Certified Communities training on March 8<sup>th</sup> and 9<sup>th</sup> in Helena.

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## Lead Organization RFP

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**Request for Proposals  
For  
Lead Organization for Certified Communities Program**

The City of Livingston is accepting proposals for the lead development organization for the Certified Communities Program of Montana. Such lead organization will voluntarily comply with the certification requirements established by the Montana Certified Communities Program in exchange for preferential information, referrals, grant funds, and other incentives from the Montana Department of Commerce. A copy of the eligibility requirements for this Certified Communities of Montana is enclosed for applicants information. Also enclosed is a summary "about the Certified Communities of Montana" which was taken from the Montana Certified Communities Web Page which can be located at [http://www.mtrdp.org/certified\\_communities/history.htm](http://www.mtrdp.org/certified_communities/history.htm). The amount of funding available for the City of Livingston Certified Community Lead Organization is approximately \$3,600 per year. Lead organization funding for both the City of Livingston and Park County amounts to approximately \$8,000 but will require authorizing resolutions from both the City of Livingston and Park County for such lead organization status.

Copies of the program application or re-certification, the Montana Certified Communities Program authorizing resolution and also the Montana Certified Communities Program Community Profile are enclosed for applicants' information and use. Also enclosed is a copy the Montana Economic Developers Association and the Montana Certified Communities State-wide Spring Conference which will provide training for Certified Community Lead Organization personnel.

Proposals should address the following criteria:

- Ability of proposed Lead Organization to assemble a working group to attend instructional sessions and accomplish Montana Certified Community Certification standards as described in the eligibility requirements for the Certified Communities of Montana. Materials attached - please provide specific responses.
- Proposed Lead Organization's ability to successfully complete a "Certification Visit" to demonstrate proficiency and handling of business location prospect.
- Proposed Lead Organization's ability to coordinate with the City, the County, the Chamber of Commerce, in expanding, retaining, and attracting new business to the community.

Proposals should be submitted to the office of the City Manager, City of Livingston, 414 E. Callender, Livingston, Montana 59047 by 5:00 p.m. on Thursday, March 1, 2001.

# Certified Communities Lead Organization

## Request for Proposals

### Attachments

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1. Eligibility Requirements for Certified Communities of Montana.
2. Certification Visit Preparation Suggestions (old - to be updated)
3. About the Certified Communities of Montana.
4. Program Application or Re-certification Form.
5. Montana Certified Communities Program Authorizing Resolution - Sample.
6. Montana Certified Communities Program Community Profile.
7. Montana Economic Developers Association and Montana Certified Communities Statewide Spring Conference Schedule March 8<sup>th</sup> & 9<sup>th</sup>, 2001.

# Montana's Certified Communities

A BOLD STEP INTO

MONTANA'S ECONOMIC FUTURE

Cert. Communities  
Eligibility  
Requirements

BETTER  
FOR  
BUSINESS

Montana Certified  
Communities

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## Eligibility Requirements for the Certified Communities of Montana

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To be designated a Montana Certified Community, a community must complete the following requirements:

- ▼ Submit an entry form, and an authorizing resolution from the local government (Economic development corporations, chambers of commerce, or business associations are the preferred sponsoring organizations for certification.)
- ▼ Assemble a working group to attend instructional sessions and accomplish following certification standards:
  - complete a community profile
  - inventory all unoccupied commercial buildings and property
  - identify all existing businesses
  - develop, administer, and analyze a community business survey
  - develop a business location response letter
  - develop a one page community brochure (fact sheet)
  - formulate a five year strategic plan addressing community needs, business retention, business expansion, new business development, and business recruitment goals/objectives
  - formulate a one year action plan that is specific and identifies who will conduct priority activities, how they will be accomplished, and a deadline completion
  - establish an informational center where community data and business assistance reference materials are located
  - prepare for business location prospects, including: designation of host town, determination of community tour route, assembly of informational packet presentation agenda

- ▼ Successfully complete a "certification visit" to demonstrate proficiency in handling a business location prospect.

Certified Community candidates are given multiple on-site instruction sessions totaling approximately 20 hours in the fundamentals of business retention, physical and market expansion for existing businesses, new business development and techniques for business recruitment.

Upon completion of instructional sessions and required task assignments, a simulated prospect location visit is utilized to evaluate community preparedness generally requires 300-500 hours of collective community labor to complete the process. Most communities are able to achieve certification standards with a 12 month period. State certification is effective for three years.

If we can be of further assistance to you or answer your questions, please feel free to send us a note, or give MT RDP a call at the number: (406) 563-5259.

[Certified Communities](#) | [Eligibility Requirements](#) | [Tool Kit](#) | [Funding/Census Data](#)

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after Steve Golna

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- this is "old"!

thanks for your patience!  
gloria

**Certification Visit Preparation Suggestions**

- Select a private and comfortable meeting room. Suitable locations may be at a bank, Chamber of Commerce, motel, local government office or community center. Know the location of restrooms.
- Have coffee, water, soft drinks and ash trays available.
- Provide packets of community information including names, positions, addresses, and phone numbers of host team members. Supply notepaper or a note pad.
- Identify all host team members with name tags or table cards if more than a few members are involved.
- Prepare and check condition of visual presentation equipment (visual presentation may occur during meeting or lunch).
- Arrange for lunch in a private or semiprivate area. Lunch can be at a local restaurant or catered to meeting room. Payment of lunch should be prearranged, and complimentary to guests.
- Have reliable and clean vehicle available for site visits and community tour. Vehicle should be large enough to comfortably accommodate two prospects and accompanying host team members.
- Community tour route should be predetermined to show area amenities. Maintain flexibility if prospect desires to view a non-scheduled area. Limit community tour to approximately one hour then return to meeting room.
- Alert non-participating local development organization members or key business individuals, of visit so that answers to unanticipated questions, such as utility availability, tax structure, financing, residential property prices, etc. can be answered during visit.

Assume that prospect has not received any community literature, and has no familiarity with your area.

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apply for certification. Circle, Ravalli County, Roundup and Thompson Falls have already expressed interest in entering the program.

The long-term objective of the Certified Communities program is to establish an active network of local development organizations statewide that will respond professionally and consistently to local economic development concerns and opportunities. The network of Certified Communities will receive out-of-state location inquiries forwarded by the State Commerce Department, and serve as the initial intake mechanism for referral of new business clients to the state's Small Business Development Center. Technical assistance in marketing, finance, business recruitment, international trade and federal contracting is available to Certified Communities from the Montana Department of Commerce.

4065635476 *descriptive paragraph*

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# Montana's Certified Communities

## A BOLD STEP INTO MONTANA'S ECONOMIC FUTURE



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### About the Certified Communities of Montana

[Program Facts](#) | [Regional Development Officers \(RDO's\)](#) | [Eligibility Requirements](#) | [Contact Us](#) 51

In July, 1981, the Department of Community Affairs was dissolved, and the Montana Department of Commerce was created. One of the first positions filled in the "Economic and Community Development Division" was a "Local Development Officer."

This liaison role was recognized as being critical to initial operations, evolution and continuity of an effective economic development effort. This position preceded staff assignments in finance, marketing, international trade, the Small Business Development Center, or government procurement.



In the spring of 1982, the Montana Economic Development Project (also known as the McKinsey Report) began to identify and analyze Montana's economic concerns and opportunities.

After an expenditure of \$100,000 and the involvement of hundreds of participants from state government, business, labor, the University System and a major management and economic consulting firm, the findings resulted in new directions and programs.

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Under the general heading of local development organizations, the Report noted the following:

- The state should provide matching funds operating grants to local development corporations to help establish them, and the state should increase training and technical assistance services to local development corporations.
- An active program of working with local development corporations serves as the necessary link between the state programs and the local community, especially in the areas of recruitment and business planning assistance.
- The state has only a very limited capacity to help create and strengthen local development organizations. Both the Department of Commerce and the Private Industry Council, using federal funds, have provided some assistance to community based local development corporations. The Department of Commerce is developing a program to provide community leaders with training in economic development skills.





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The resulting "program", which became operational about two and a half years after the final Montana Economic Development Project Report, was known as "Montana Certified Cities." The original effort was a hybrid of similar programs established in Texas, Missouri, Mississippi, and Alabama.

Starting with an initial conference in July, 1985, 17 Montana communities began the certification process. All of the instructional phases of the process were conducted in Helena at major conferences using guest speakers in a lecture format.

From 1985-1987, 26 communities were "Certified", with three different local development officers in the Commerce Department administering the program. The name was changed to "Certified Communities" to include counties, regions, and Reservations.

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In 1988, major program changes were initiated after an audit of the files and interviews with community contacts revealed deficiencies.

Among the major problems noted were that many communities certified had not completed specific requirements, and only a limited number of community leaders had been exposed to the fundamentals of local economic development techniques. Corrections taken included the tightening of task performance, and the institution of on-site basic training to educate a wider audience of community leaders.

In 1989, the communities who had initially been certified in 1986 were "recertified" using criteria approved by a committee of local economic development officers. One community was decertified due to noncompliance.

During 1990, the onerous requirements of preparing a slide show or videotape was replaced with publication of a community fact sheet. This change produced a more flexible local development tool that is considerably less time consuming and expensive.

In 1991, the original manual for the program was largely discarded and replaced by the Small Business Administration's Business Opportunities Workbook and Casebook

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### Program Facts:



- To date 46 communities have completed certification.
- 98% of communities have opted to comply with all requirements to maintain their designation after 3 years.
- The smallest certified community has a population of under 700 residents (Bridger).
- Based on preliminary survey results, a majority of strategic plans and action plans are accomplished within the initial 3 year period.
- 32 other states are conducting similar programs according to the National Association of State Development Agencies (NASDA). In recent years Arizona, Arkansas, Idaho, Nebraska, Oklahoma, South Dakota, and West Virginia commenced certification type programs.

If we can be of further assistance to you or answer your questions, please feel free to send us a note, or give us a call at the number (406) 563-5259.

[Certified Communities](#) | [Eligibility Requirements](#) | [Tool Kit](#) | [Funding/Census Data](#)  
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**A public - private partnership between -**

Montana Department of Commerce  
Montana Economic Developers Association  
Montana Rural Development Partners, Inc.  
118 E. Seventh Street - Anaconda, Montana 59711 - (406) 563-5259  
E-mail: [gloria@ixi.net](mailto:gloria@ixi.net)

Technical inquiries: [vvap@montana.com](mailto:vvap@montana.com) at the *Montana Recreation Connection*

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# MONTANA CERTIFIED COMMUNITIES

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**AN ACTIVE NETWORK OF TRAINED COMMUNITIES PREPARED TO RESPOND TO ECONOMIC DEVELOPMENT OPPORTUNITIES**

A public/private partnership administered by Montana Department of Commerce Economic Development Division, Montana Economic Development Association and Montana Rural Development Partners, Inc.

## Program Application or Recertification

Name of Local Government: \_\_\_\_\_  
(City, County or Tribal)

Name of Local Development Organization: \_\_\_\_\_

Web Address: \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Alternate Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

It is understood that failure to comply with the certification requirements established by the Montana Certified Communities Program will result in the exclusion from preferential information, referrals, grant funds and other incentives from the Montana Department of Commerce.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Contact Office: MTRDP/MEDA \* 118 E. Seventh St.; Suite 2A \* Anaconda, MT 59711  
ph:406.563.5259 \* fx:406.563.5476 \* [gloria@ixi.net](mailto:gloria@ixi.net) \* <http://mtrdp.org/certifiedcommunities>

# MONTANA CERTIFIED COMMUNITIES

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**AN ACTIVE NETWORK OF TRAINED COMMUNITIES PREPARED TO RESPOND TO ECONOMIC DEVELOPMENT OPPORTUNITIES**

A public/private partnership administered by Montana Department of Commerce Economic Development Division, Montana Economic Development Association and Montana Rural Development Partners, Inc.

## Montana Certified Communities Program

### Authorizing Resolution

(City, County or Tribal Government) of \_\_\_\_\_

(Name of City, County or Tribal Government)

Montana, hereby resolves to endorse the \_\_\_\_\_

(Name of Local Development Organization)

as the Certified Community lead development organization for \_\_\_\_\_,

(Name of City, County or Tribal Government)

which has been designated as a Montana Certified Community. The (City, County or

(Tribal Government) of authorizes the \_\_\_\_\_

(Name of City, County or Tribal Government)

to complete and maintain certification

(Name of Local Development Organization)

requirements on behalf of the community. We will voluntarily comply with the certification requirements established by the Montana Certified Communities Program in exchange for preferential information, referrals, grant funds and other incentives from the Montana Department of Commerce.

We pledge to cooperate in achieving the requirements, which will entitle our community to be certified for three years.

passed and adopted the day of, 20\_\_

Authorizing Signature:

(Mayor, Chairman of County Commission, Tribal Council Leader)

Contact Office: MTRDP/MEDA \* 118 E. Seventh St.; Suite 2A \* Anaconda, MT 59711

ph:406.563.5259 \* fx:406.563.5476 \* [gloria@ixi.net](mailto:gloria@ixi.net) \* <http://mtrdp.org/certifiedcommunities>

# MONTANA CERTIFIED COMMUNITIES

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**AN ACTIVE NETWORK OF TRAINED COMMUNITIES PREPARED TO RESPOND TO ECONOMIC DEVELOPMENT OPPORTUNITIES**

A public/private partnership administered by Montana Department of Commerce Economic Development Division, Montana Economic Development Association and Montana Rural Development Partners, Inc.

## Montana Certified Communities Program

### Community Profile

City Name: County Name:

#### DEMOGRAPHICS

Population

1990 2000 2010 est.

City

County

MSA/LFA

Civilian Labor Force

1990 2000 2010 est.

City

County

MSA/LFA 58

**Employed**

1990 2000

City

County

MSA/LFA

**Unemployed**

1990 2000

City

County

MSA/LFA

**Unemployed as Percent of Labor Force**

1990 2000

City

County

MSA/LFA

**Population: Age Distribution**

18-24 25-44 45-54

Male

Female

Total

Total Population 25 Years & Older

% Completed High School % Bachelor's Degree or More

**Workforce Wage Information**

Per Capita Income \$

Average Annual Wage \$

Industry Avg. Annual Annual Avg. Annual

Classification Employees Wages Paid Wage

Construction

Manufacturing

Wholesale Trade

Retail Trade

Services

**Labor Employers**

Company name Product/ Year # of Service Established Employees

**BUSINESS ACTIVITY**

**New/Expansion of Company**

Current Total

Company name Product/ # Jobs # of Service Created Employees

**Company Departure/Downsizing of Company**

Current Total

Company name Product/ # Jobs # of

Service Reduced Employees

**TRANSPORTATION**

**Motor Carriers**

Distance in highway miles from United States cities:

Seattle\_Denver\_Salt Lake City

Portland\_Boise\_Chicago

Spokane\_San Francisco\_Los Angeles

Distance in Highway Miles from Canadian cities:

Calgary\_Saskatoon\_Edmonton

Vancouver\_Regina\_Winnipeg



Highways Serving Community:

60

Federal State:

Number of Motor Carriers Serving Community:

Number of Bus Carriers Serving Community: \_\_\_

**Air Carriers**

Commercial Air

Name of Air Carrier Flights Per Day Non-Stop Destinations

Air Freight Carriers:

Charter Air Carriers:

**Rail Carriers**

Name of Rail Carrier Freight Trips Per Day

**UTILITIES**

**Electric**

Supplier: MW Capacity: MW Peak Demand:

Supplier: MW Capacity: MW Peak Demand:

Supplier: MW Capacity: MW Peak Demand:

**Natural Gas**

Supplier: BTU per CF: Capacity Available:

Supplier: BTU per CF: Capacity Available:

**Water**

Supplier: Source:

Capacity: Avg. Consumption: Peak Consumption:

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Supplier: Source:

Capacity: Avg. Consumption: Peak Consumption:

Supplier: Source:

Capacity: Avg. Consumption: Peak Consumption:

Power

Supplier: Type:

Capacity: Avg. Load: Present Load:

Communication

Supplier: Service Offered:

Supplier: Service Offered:

Supplier: Service Offered:

Supplier: Service Offered:

Supplier: Service Offered:

COMMERCIAL SERVICES

Communication Services

Newspapers (name; daily/weekly):

Number of Radio Stations: AM\_FM

Number of TV Stations: Local: Public: Cable:

Financial Services

Number of Banks: Total Assets:

Number of Savings & Loans: Total Assets:

Number of Credit Unions: Total Assets:

Lodging

Number of Hotels & Motels Available: Number of Rooms available:

Postal & Delivery

Providers:

**Mechanical Services**

Number of Machine Shops:

Number of Tool & Die Service:

Electric Motor Repair:

**COMMUNITY SERVICES**

**Health Care**

Number of Hospitals: Number of Nursing Homes:

Number of Dentists: Number of Chiropractors:

Number of Pharmacists: Number of Physicians:

**Recreational/Cultural**

Number of Swimming Pools: Number of Golf Courses:

Number of Tennis Courts: Number of Parks:

Number of Movie Theaters: Number of Theatrical Playhouses:

Number of Libraries: Number of Symphonies/Orchestras:

Other:

**Religious**

Number of Protestant Churches: Number of Catholic Churches:

Number of Mormon Churches: Number of Other Churches:

**EDUCATION**

**University, College or School of Technology**

Name of Institution Enrollment Annual Graduates

**Public Schools** Enrollment Teacher/Pupil Ratio

63

Elementary

Rate

School

Number of High School graduates in last academic year:

Average SAT Scores: Average ACT Scores:

White Schools Enrollment Teacher/Pupil Ratio

Elementary

Middle

High School

Number of High School graduates in last academic year:

Average SAT Scores: Average ACT Scores:

TAX STRUCTURE

Sales Tax Rates: Personal Income Tax Rate

Corporate Income Tax Rate Inventory Tax Rate

Accommodation "Bed" Tax Rate

Property Tax Rates (per \$100 of assessed value) by allocation:

City County School District Other

Assessment Ratio (% of market value):

City County School District Other

Actual Valuation of City: \$

City Bond Indebtedness:

General Obligation \$ Revenue \$

Actual Valuation of County: \$

County Bond Indebtedness:

General Obligation \$ Revenue \$

64

**MUNICIPAL SERVICES**

County

Sheriff's Department Full Time Officers

Rural Fire District Volunteers Insurance Rating

Zoning Ordinance

City

Police Department Full Time Officers \_\_\_\_\_

Fire Department Full Time Fire Fighters \_\_\_\_\_ Insurance Rating

Zoning Ordinance Comprehensive City Plan

**CLIMATE**

Elevation feet

Avg. Annual Rainfall inches Avg. Annual Snowfall inches

Avg. length of growing season days Annual Avg. Temperature

Avg. January Temperature Avg. April Temperature

Avg. July Temperature Avg. October Temperature

**HOUSING & CONSTRUCTION**

Residential New/Remodel # Commercial New/Remodel \$

Avg. Monthly Rental: House Apartment

Avg. Selling Price of Homes \$

**AVAILABLE COMMERCIAL REAL ESTATE**

**Available Industrial Facility: #1**

Building Size: sq. ft. floors \$ price

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

BTU per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

DLS

ISDN

Time Relay

ATM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

Comments:

**Available Industrial Facility: #2**

Building Size: sq. ft. floors \$ price

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

TU per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

OLS

SDN

Frame Relay

ATM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

**Comments:**

**Available Industrial Facility: #3**

Building Size: sq. ft. floors \$ price

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

BTU per Cubic Feet \$ Rates

**Waste Water Provider:**

Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

DL

SDN

Frame Relay

DM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

**Comments:**

**Available Industrial Facility: #4**

Building Size: sq. ft. floors \$ price

**Water Supply Provider:**

Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

BTU per Cubic Feet \$ Rates



**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

IS

SDN

Frame Relay

ATM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

**Comments:**

**Available Industrial Facility: #5**

Building Size: sq. ft. floors \$ price

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

BTU per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

LS

DN

Relay

TM

Wireless

Redundant loop

Site of presence

Form water quality and management issues:

Comments:

Available Office Space: #1

Building square feet: Square feet available:

Cost of facility: Price/rent per square foot:

Parking Spaces Available:

Water Supply Provider:

Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

Electric Power Provider:

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

Natural Gas Provider:

Cost per Cubic Feet \$ Rates

Waste Water Provider:

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

Telecommunication Capabilities:

Yes/No Name of Provider \$ Rates

DLS

DN

Relay

70

TM

Wireless

Redundant loop

Point of presence

Form water quality and management issues:

Comments:

Available Office Space: #2

Building square feet: Square feet available:

Age of facility: Price/rent per square foot:

Parking Spaces Available:

Water Supply Provider:

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

Electric Power Provider:

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

Natural Gas Provider:

BTU per Cubic Feet \$ Rates

Waste Water Provider:

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

Telecommunication Capabilities:

Yes/No Name of Provider \$ Rates

DLS

SDN

Frame Relay

ATM

Wireless

Redundant loop

Point of presence

71

Storm water quality and management issues:

Comments:

Available Office Space: #3

Building square feet: Square feet available:

Age of facility: Price/rent per square foot:

Leasing Spaces Available:

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

TCU per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

DIG

FDN

Phone Relay

ATM

Wireless

Redundant loop

Point of presence

Storm water quality and management issues:

Comments:

Available Office Space: #4

Building square feet: Square feet available:

Age of facility: Price/rent per square foot:

Parking Spaces Available:

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

TU per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

DSL

SDN

Fiber Relay

ATM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

**Comments:**

**Available Office Space: #5**

Building square feet: Square feet available:

Age of facility: Price/rent per square foot:

Parking Spaces Available:

**Water Supply Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Electric Power Provider:**

Capacity (kW) Peak Demand (kW) \$ Rates (per kW)

**Natural Gas Provider:**

Flow per Cubic Feet \$ Rates

**Waste Water Provider:**

Max Avg. Daily Peak Use Capacity (gpd) Use (gpd) Capacity (gpd) \$ Rates

**Telecommunication Capabilities:**

Yes/No Name of Provider \$ Rates

DSL

Cable

Modem Relay

ATM

Wireless

Redundant loop

Point of presence

**Storm water quality and management issues:**

**Comments:**

443-2200

# Montana Economic Developers Association and Montana Certified Communities STATEWIDE SPRING CONFERENCE March 8th - 9th, 2001



- WHO:** If you are a MEDA Member, a Montana Certified Community participant, or an individual interested in Montana's economic issues and options...**JOIN US!**
- WHAT:** This conference has several overall objectives: provide information to participants that will enhance the work and progress of economic development in Montana; serve as the first statewide meeting for Montana Certified Communities; host the MEDA Annual Meeting; launch the Build A Better Economy Grant project.
- WHEN:** March 8 - 9, 2001 Registration is from 11:15 - 11:45am.
- WHERE:** Downtown Holiday Inn (Park Plaza); 22 N. Last Chance Gulch, Helena, MT  
A block of rooms is being held under the name MEDA. Please call 1.800-HOLIDAY or dial 406.443.2200 by Thursday, February 22nd, and mention you are with MEDA in order to receive the \$65.00 room rate.
- COSTS:** The registration fee for MEDA members is \$50.00. If you are not a MEDA member, the rate is \$65.00. This fee covers lunch on Thursday, breakfast on Friday, refreshment breaks and conference room costs. If an individual is part of a Lead Development Organization and/or with Montana Certified Communities, costs for this conference may be paid with Certified Community funds. If you would like to learn more about MEDA and become a member, please join at <http://www.mtrdp.org/MEDA>.

## AGENDA AND REGISTRATION

### **THURSDAY, March 8th**

- 11:15 - 11:45** Registration near the Elkhorn Room
- 12:00 - 12:15** Welcome and Opening Announcements - Jim Davison, MEDA President
- 12:15 - 1:00** Luncheon with Roger Peterson of PPL - Announcement of April Training  
Introduction of Mark Simonich, Director of DOC; Update/Discussion on  
Economic Development Legislative Issues with Mark Simonich, Andy Poole,  
and Evan Barrett
- 1:00 - 2:30**
- 2:30 - 2:40** Break
- 2:40 - 3:00** Programs/Grants/Loans Update from USDA/RD - Robert Leigland  
and John Guthmiller
- 3:00 - 4:00** Montana Certified Communities Update - What is Next/Regional Meeting  
Dates - Quinn Ness and the Regional Development Officers
- 4:00 - 5:00** Several breakout rooms will be available for Certified Communities to meet  
Option #1 according to region.
- 4:00 - 4:30** Horizon Air Presentation (invited)
- Option #2**
- 4:30 -** Participant's choice: Networking, Visit the Capitol, Dinner On Your Own
- 5:30 - 6:30** MEDA Executive Board Meeting at Salvatores, 42 So. Park Ave.

7:00 - 8:00

Several breakout rooms are available for small group meetings.

75

**FRIDAY, MARCH 9TH**

7:00 - 8:00

**Breakfast Buffet, Annual MEDA Membership Meeting**

8:00 - 8:30

**Lt. Gov. Karl Ohs (confirmed) - Administrative Ec Dev Plans; Changes in DOC Structure**

9:00 - 9:15

**Incubators and Venture Capital Panel: Linda Reed, John O'Donnell (Tech Ranch); John Mathai (BackFin Capital); Dick King and Tony Rudbach (MonTEC.)**

9:15 - 9:30

**Update from John Rogers, EDA; and Delrene Rasmussen from Board of Investments**

9:30 - 10:00

**Max Baucus Economic Summit Group Update**

10:00 - 10:15

**Break**

10:15 - 10:45

**The Resource Team Assessment Approach - Gene Vuckovich**

10:45 - 11:00

**Building A Better Economy Grant Criteria Announcement - Linda Reed and John Guthmiller**

11:00 - 11:15

**MEDA Scholarship Criteria - Anne Boothe**

11:15 - Noon

**Status of Electric Deregulation - Pending Legislation, Options, etc. Tom Schneider, and Representative from the Governor's Price Advisory Council**

Noon - 12:15

**Wrap up**

12:30 - 2:00

**MT RDP Executive Board Meeting - Working Lunch - Unionville Room**



**REGISTRATION**



Mail/Fax/E-mail your registration information to:

MT RDP, 118 E. Seventh Street, Suite 2A, Anaconda, MT 59711

Fax: 406-563-5476 E-mail: gloria@ixi.net

Please complete no later than Friday, March 2nd. If you are a current MEDA Member and your contact information has not changed, just fill in your name and registration costs.

First Name

Last Name

Agency

Address

City

State

Zip

Phone

Fax

E-mail



Fee to be paid (see rates below)

To complete your registration, hit the SUBMIT button at the bottom of this page.

### REGISTRATION FEES

\$ \_\_\_\_\_ Entire Conference (\$50 – MEDA Member; \$65 – non-member)

\$ \_\_\_\_\_ Thursday, March 8th only (\$ 25 – MEDA Member;  
\$35 – non-member)

\$ \_\_\_\_\_ Friday, March 9th (\$ 25 - MEDA Member; \$35 – non-member)

#### Send Payment to:

**MEDA**

**Montana Rural Development Partners, Inc.**

**118 E. Seventh St.; Suite 2A**

**Anaconda, MT 59711**

**Phone : 406.563.5259 Fax: 406.563.5476 Email: [gloria@ixi.net](mailto:gloria@ixi.net)**

[MEDA HOME PAGE](#) | [Top of Page](#)

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PCEDC  
Lead Organization Proposal

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# PARK COUNTY ECONOMIC DEVELOPMENT CORPORATION

P.O. Box 606 • Livingston, Montana 59047 • Phone (406) 222-7227 • FAX (406) 222-7549

City of Livingston Commissioners  
414 E. Callender  
Livingston, MT 59047

MAR 01 2001

March 1, 2001

Dear Commissioners,

As you are fully aware, the economy of Livingston and Park County is in dire need of enrichment and development. This is a theme that rings true to every individual associated with our beautiful community. I believe that we all feel a certain sense of loyalty to our area and will work hard to make it a viable possibility for everyone who works here. The philosophy of Park County Economic Development Corporation is no different.

We believe that Park County, as a whole can and will provide an economy that allows for a comfortable lifestyle for its constituents, an infrastructure that will meet the demands of the 21<sup>st</sup> century, and the creation and expansion of jobs & technology that provide livable wage levels for its residences.

PCEDC believes that this can be accomplished through a unified effort with individuals & groups that are truly dedicated to economic development. We are working hard to establish these relationships and will continue to do so.

I ask that you please accept our proposal for the status of Lead Organization for Montana Certified Communities. We will support your decision-whatever it may be.

Thank you.

Sincerely,

Bill Lane  
President  
PCEDC

**Request for Proposal  
For  
Lead Organization for Certified Communities Program**

**Presented by:  
Park County Economic Development Corporation  
P.O. Box 606  
207 West Callender, Suite 205  
Livingston, MT 59047**

**(406) 222-7227**

*Ability of proposed Lead Organization to assemble a working group to attend instructional sessions and accomplish Montana Certified Community Certification standards as described in the eligibility requirements for the Certified Communities of Montana.*

Park County Economic Development Corporation (PCEDC) has an existing **body of committed members** that will participate in the Recertification and Training processes to insure Park County continues to be a Montana Certified Community.

PCEDC was organized in 1986 and serves Park County and all incorporated and unincorporated cities and towns in the County. A volunteer Board of Directors serves PCEDC with representation from the County, City of Livingston, private business and individuals. PCEDC maintains a fully equipped office in downtown Livingston, with a full time executive director.

An Executive Committee consisting of the President, Vice President, Treasure / Secretary, and Past President provides oversight and strategic planning for the activities of PCEDC. The members of Executive Committee, although made up of volunteers, are very committed to economic expansion in Park County and have and will continue to devote many hours of their time to this endeavor.

PCEDC is actively restructuring its board representation to provide a broader more unified approach to economic development in Park County. This will allow PCEDC to integrate and enhance its relationship with organizations throughout the County such as the City of Livingston, Park County, Livingston Area Chamber of Commerce, and other active parties interested in economic development.

*Proposed Lead Organization's ability to successfully complete a "Certification Visit" to demonstrate proficiency and handling of business location prospects.*

PCEDC in association with the City of Livingston and Park County completed documentation and performance standards to obtain the original certification in 1994 and recertification in 1997. PCEDC currently operates an office in downtown Livingston, Montana and is staffed with a full-time executive director. Located in the downtown business district of Livingston, PCEDC's office space is very conducive to providing the appropriate atmosphere and setting to hold visitation conferences in a professional and business like atmosphere. PCEDC's office also holds its library of Economic and Demographic data on Livingston, and Park County. Associated with PCEDC's library is high-speed Internet access allowing PCEDC to provide current information customized for the visitation client.

PCEDC's policy is to have a Board member(s), participate with visitation interviews involving prospective business relocation clients. Other interested members of the community may also participate in the visitation to be able to answer questions concerning their areas of expertise. A no-host luncheon and/or a guided tour provide the opportunity to introduce these individuals to the visitation client.

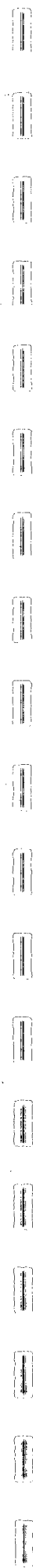
A closing interview will allow the visitation client to identify issues of importance that may need to be addressed to assist the business in relocating to Park County. The PCEDC Relocation sub-committee will review information obtained from the closing interview and determine the appropriate community participants need to facilitate a successful relocation effort.

*Proposed Lead Organization's ability to coordinate with the City, the County, the Chamber of Commerce, in expanding, retaining, and attracting new business to the community.*

PCEDC is committed to long-term economic development in Park County. The highest priority of PCEDC is enabling the process and means of communication that will unite in partnership with a broad based representation of concerned citizens, community leaders, elected officials, and other civic-minded organizations. This will provide a unified vision for economic development for Park County. PCEDC's current effort to restructure board representation to provide a broader more unified approach to economic development in Park County is evidence of this commitment.

PCEDC desires to participate in the planning and development of the vision that will take Park County into the 21<sup>st</sup> Century. Helping to create the environment and infrastructure that will improve the standard of living, lessen the unemployment rate, broaden the tax base, and preserve the quality of life for Park County residents is the long-term goal for PCEDC.

**APPENDIX**





# PARK COUNTY ECONOMIC DEVELOPMENT CORPORATION

83

P.O. Box 606 • Livingston, Montana 59047 • Phone (406) 222-7227 • FAX (406) 222-7549

## PCEDC BOARD OF DIRECTORS 2000-2001

### PRESIDENT

Bill Lane ('01)  
Investment Management Group  
PO Box 538  
Livingston, MT 59047  
Tel: 222-1133

### VICE PRESIDENT

Dave Molebash ('02)  
101 Billman Lane  
Livingston, MT 59047  
Tel: 222-4408 Fax: 222-6189  
E-Mail:  
diamnd@gomontana.com

### SECRETARY/TREASURER

Sarah Sandberg ('02)  
220 South Yellowstone  
Livingston, MT 59047  
Tel: 222-0737

Kevin Brown ('03)  
Paoli Attorneys  
120 W. Callender  
Livingston, MT 59047  
Tel: 222-4420 Fax: 222-1032

George Pilgrim ('03)  
18 Morrison Road  
Wilsall, MT 59086  
Tel: 578-2345

Gardiner Chamber of Commerce  
P.O. Box 81  
Gardiner, MT 59030  
Tel: 848-7971

Manny Goetz ('02)  
Yellowstone Country Motors  
207 South 2<sup>nd</sup>  
Livingston, MT 59047  
Tel: 222-8600 Fax: 222-7180

Darwin Rabenberg ('01)  
First Interstate Bank  
PO Box 672  
Livingston, MT 59047  
Tel: 222-2950

Bill Prowitt ('01)  
518 N. Main  
Livingston, MT 59047  
Tel: 222-4678

Steve Golnar ('01), Ex Officio  
Director  
City Manager  
414 E. Callender  
Livingston, MT 59047  
Tel: 222-2005 x. 201  
Fax: 222-6823  
e-mail: conifer@alpinet.net

Matt Smith ('03)  
Natural History Exhibit Hall  
122 E. Park St.  
Livingston, MT 59047  
Tel: 222-8340

Tanner Ellis ('02)  
Yellowstone Log Works  
PO Box 512  
Livingston, MT 59047  
Tel: 222-0425

Ron O'Donnell ('02)  
Investment Management Group  
PO Box 981  
Livingston, MT 59047  
Tel: 222-1133

Cathy Lane Mejia ('03)  
Catherine Lane Interiors  
103 S. Main  
Livingston, MT 59047

Marcene Robb Huson ('03)  
The Duck Pond Floral and Gifts  
129 South Main Street  
Livingston, MT 59047

Ed Carrell, Commissioner ('01)  
Commission Member  
414 E. Callender  
Livingston, MT 59047



**Business Assistance Directory**

- Park County Economic Development Corporation 222-7227
- State Business Licensing 800-221-8015
- City of Livingston 222-2005
- Park County Subdivisions and Planning 222-4144
- Park County Sanitarian and Health Regulations 222-4142
- Livingston Chamber of Commerce 222-0850
- Gardiner Chamber of Commerce 848-7971
- Park County Commissioners 222-4106
- Livingston Job Service 222-0520
- Representative Shiell Anderson 222-1164
- Representative Bob Raney 222-0558
- Senator Lorents Grosfield 537-4489
- Market Statistics (MT Dept. of Commerce) 444-4214
- Montana Building Codes 444-3933
- Worker's Compensation 800-772-2141

The Park County Economic Development Corporation is a 501(c)(6) nonprofit organization whose purpose is to encourage sustainable economic development in Park County.

**PCEDC**  
 P.O. Box 606 - 120 W. Callender  
 Livingston, Montana 59047  
 Phone: (406) 222-7227 FAX: (406) 222-7549  
 pcedc@mcn.net

**MEMBERSHIP**

Membership in PCEDC is open to anyone who supports sustainable economic development in Park County. Members receive periodic newsletters and business updates; are eligible to vote for PCEDC board members; are invited to special events; have access to educational materials and programs; are included in our business directory. Annual dues contributions are deductible as a business expense.

**Become a Partner in Progress, Join Today!**

DETACH AND MAIL

**COMMUNITY PARTNERS**

- Individual \$50
- Business \$100
- Sponsor \$500

**CORPORATE PARTNERS**

- Junior \$1,000
- Senior \$2,500
- Sustaining \$5,000

Name \_\_\_\_\_  
 Company \_\_\_\_\_  
 Address \_\_\_\_\_  
 Street/Box \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ FAX \_\_\_\_\_

Clip and send to:  
 PCEDC, P.O. Box 606 Livingston, MT 59047



**Partners in Progress**

**WHO WE ARE**

Park County Economic Development Corporation is a dynamic partnership of individuals, businesses, industries and local governments whose purpose is to promote sustainable economic development in Park County.

Established in 1986, PCEDC has made significant progress toward achieving these broad goals for the benefit of Park County residents:

- IMPROVING THE STANDARD OF LIVING
- LESSENING UNEMPLOYMENT
- BROADENING THE TAX BASE
- PRESERVING QUALITY OF LIFE

"Working for a Healthy Community through a Healthy Economy"

## WHAT WE DO.....

### *Jobs*

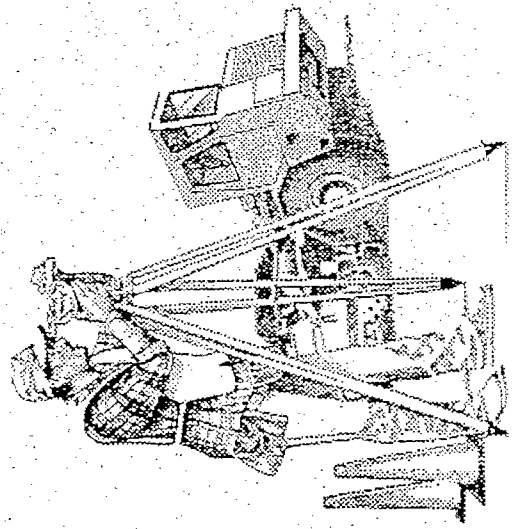
Businesses assisted by PCEDC have retained and/or created hundreds of jobs over the past decade. In 1995, 32 new well-paying jobs were created as a result of a \$500,000 economic development grant co-sponsored by the City of Livingston and PCEDC.

### *Technical Assistance*

From new business start ups to major industry expansions, PCEDC provides access to a variety of finance programs, business counseling services, resource materials and educational programs.

### *Community Development*

PCEDC has targeted numerous public and private sector projects that will promote business and community development. Among these are construction of affordable housing, recruitment of clean industry, public infrastructure improvements and comprehensive planning.



## WHERE WE'RE GOING.....

To continue to meet the needs of Park County's growing and changing communities, PCEDC has set these goals:

1. Diversify and strengthen the economic base while retaining the sense of community and historical character.
2. Improve the standard of living by working toward long-term economic viability.
3. Develop an economic base that will allow our children to stay in or return to Park County by generating diverse employment and economic opportunities.
4. Work with community leaders and all levels of government to enhance sustainable economic growth.

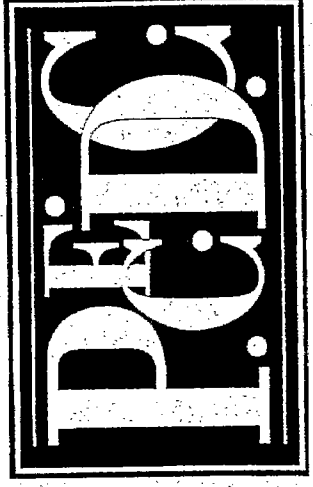
“*Attracting, expanding and perpetuating industries and jobs that maintain what is essential to Park County – a sense of place, small communities, where people know each other...working landscapes of fresh air, green forests, clean water, and blue skies.*”

— Steve Kraville,  
Past President, PCEDC

## WHY WE NEED YOU.....

PCEDC is a non-profit organization supported by membership dues, donations and public and private sector grants. Your tax-deductible contribution will allow us to pursue the following objectives over the course of the year:

- Attract new business that manufactures a product or service that is exported out of Park County.
- Retain existing businesses and assist in their growth.
- Work with Montana State University to increase their involvement in Livingston/Park County.
- Take an active role in city and county planning activities and advocate well-planned, sustainable economic growth.
- Maintain and enhance the quality of life in Livingston/Park County.



P.O. Box 606 Livingston, MT 59047  
406 / 292-7727 FAX: 292-7546

### Location:

Park County, with an area of 1,722,000 acres in southcentral Montana is situated as the gateway to Yellowstone National Park. Located between four mountain ranges, the County has a reputation for outstanding scenery and recreational opportunities.

### Air Service:

The Livingston airport has a 6,000 foot lighted runway. Gallatin Field Airport is just 30 minutes from Livingston and is a regional hub served by five airlines with eleven flights per day to major hubs at Salt Lake City, Seattle, Denver and Minneapolis. This service makes it easy to locate in Park County and do business anywhere.

### Rail:

Montana Rail Link provides transcontinental freight rail service to and from the Livingston area coast to coast.

### Highway Transportation:

Interstate 90 provides direct routes to Chicago, Spokane, and Seattle. Interstate 94 via Billings is direct to Minneapolis. Interstate 25 via I-90 links Livingston and Denver. Interstate 15 via Butte links Calgary and Salt Lake City. Local and interstate trucking firms run regular and irregular routes from Livingston to all parts of the U.S. and Canada.

### Bus Service:

Greyhound Bus Lines serves the Livingston area and links with T.W. Services to Yellowstone and Teton Parks.

### Recreation:

Park County is situated in the foothills of four ranges of the Rocky Mountains and borders the Yellowstone National Park. There is something for everyone, from fishing to hunting, skiing, snowmobiling, hiking and mountain climbing. Park County offers it all.

### Education:

Public Schools  
10 elementary  
4 middle  
3 high schools

Public / teacher ratio:

Livingston - 20:1  
Rural Park County - 14:1  
Parochial Schools  
1 elementary.

### Higher Education:

Montana State University is 30 minutes away in Bozeman. MSU has over 10,000 students with highly regarded schools of engineering and computer science.

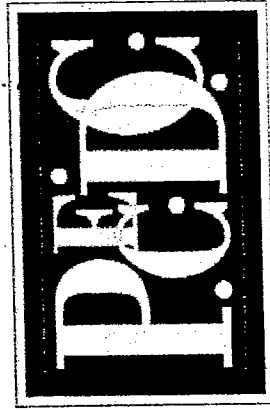
### Park County Economic Development Corporation

Park County Economic Development Corporation is a non-profit organization whose purpose is to stimulate economic growth which complements and enhances the County's natural, human, and social resources.

We would be happy to tell you more about Park County. Please call or write to us.

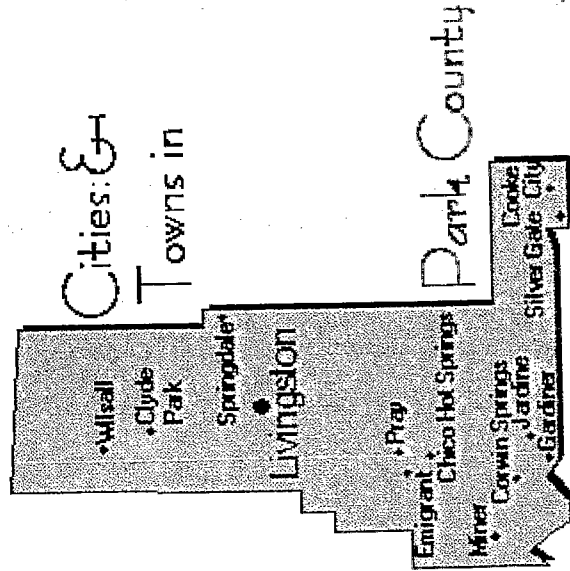
Park County Economic  
Development Corp.

P.O. Box 606  
Livingston, MT. 59047  
(406) 222-7227  
Email: pcedc@mcn.net



# Park County Economic Development Corporation

## Economic Data for Park County



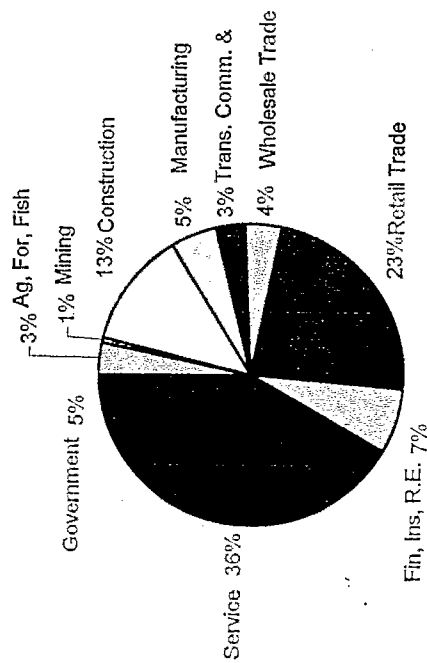
## Park County Economic Development Corporation

Post Office Box 606  
Livingston, Montana 59047  
Phone (406) 222-7227 . Fax (406) 222-7549  
pcedc@mcn.net

## Local Economic Base

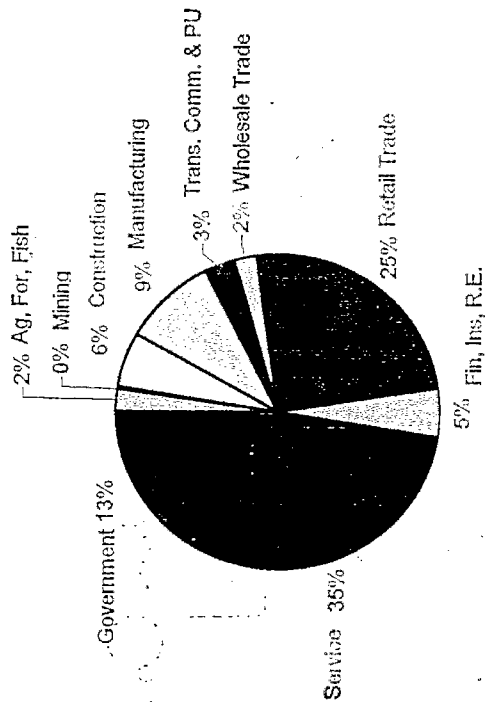
Earnings by persons employed in Park increased from \$152,548,000 in 1997 to \$158,732,000 in 1998, an increase of 4.1 percent. The largest industries in 1998 were services, 32.2 percent of earnings; retail trade, 14.0 percent; and state and local government, 11.2 percent. Of the industries that accounted for at least 5 percent of earnings in 1998, the fastest growth was in construction, which increased 6.0 percent.

### Business Establishments



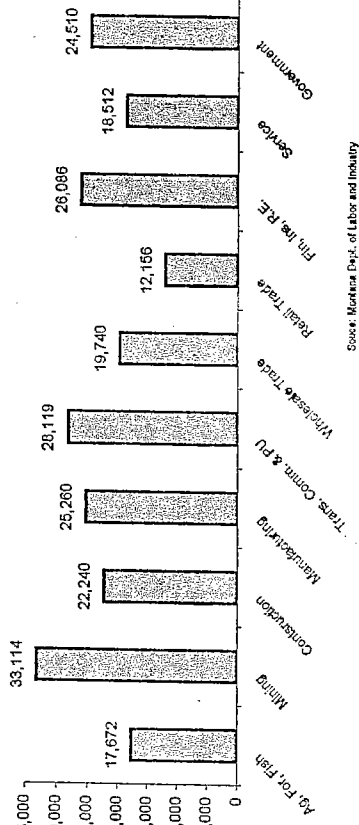
Source: Montana Dept. of Labor and Industry

### Employees By Industry



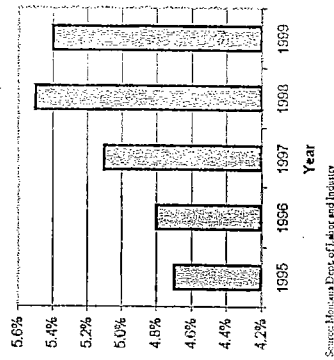
Source: Montana Dept. of Labor and Industry

## Average Annual Wage (1999)



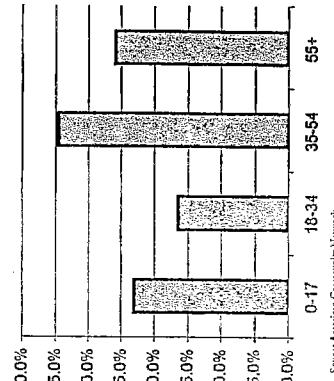
Source: Montana Dept. of Labor and Industry

## Unemployment



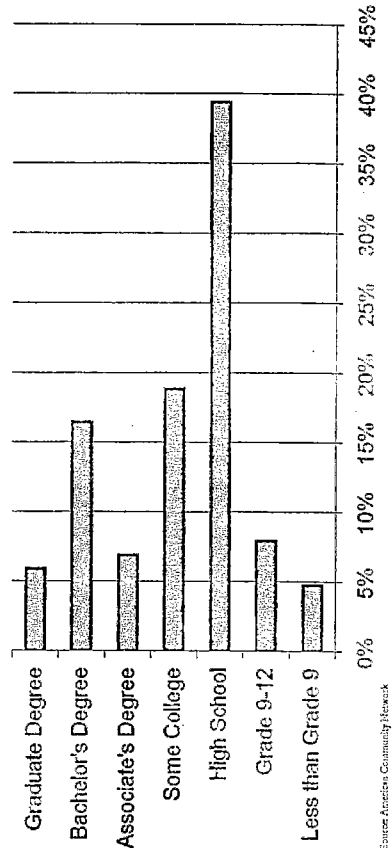
Source: Montana Dept. of Labor and Industry

## Age Distribution (2000)



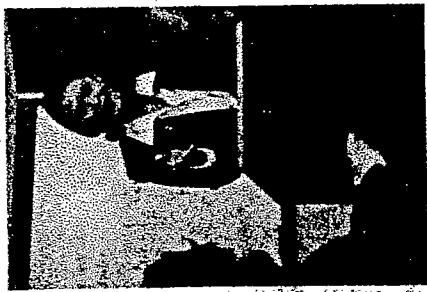
Source: American Community Survey

## Education Attained



Source: American Community Survey

# Survey Sez!



The overall goal of the Park County Business Retention and Expansion Survey completed in early 1999 is to help existing businesses improve their competitive market position, thus creating more income and employment for the people of Park County. This project has four distinct objectives: (1) To identify specific problems of individual business. (2) To identify the common problems, needs, and wants of existing businesses. (3) To learn the future plans of the area's firms with respect to expansion, relocation, and/or closure. (4) To find opportunities to raise income levels in Park County.

PCEDC is trying to address the common problems and needs identified by you the business community in this survey. To this end, and to help us develop a training program to address your expressed needs, please take a few moments complete the following questionnaire and return it to our office. Thank you for your continued support and help.

*Learning is a life long process and is essential to stay competitive.*

PCEDC is trying to address the common problems and needs identified by you the business community in this survey. To this end, and to help us develop a training program to address your expressed needs, please take a few moments complete the following questionnaire and return it to our office. Thank you for your continued support and help.

## Telecommunications

Are you concerned with the Internet eroding your market position?  Yes  No

Do you currently market your business on the Internet?  Yes  No

IFPCEDC sponsored an Internet Marketing Seminar series, would you consider attending?  Yes  No

If you attend the Internet Marketing Seminar, when would you like the series to be offered?  Yes  No

Day(s) of the Week: \_\_\_\_\_

Morning  Afternoon  Evening  Other \_\_\_\_\_

## Employee Training

The survey indicated your concerns with the skill level of your employees associated with computers.

What type of computer training would benefit you if offered to your employees?

Basic Skill  Computerized Accounting  Microsoft Office

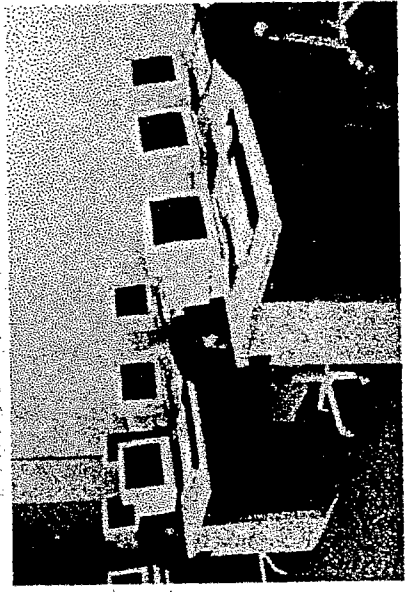
Corel Suites  Web Page Development  Other \_\_\_\_\_

IFPCEDC sponsored a Computer Training Seminar series, would you consider attending?  Yes  No

## Other

What other areas of business training would you like to have offered?

Financial Planning  Marketing  Employee Motivation  Other \_\_\_\_\_



Technology is the tool of tomorrow.

Please mail or fax your completed response to:

Park County Economic  
Development Corporation  
P.O. Box 606  
Livingston, MT 59047

Phone: (406) 222-7227  
Fax: (406) 222-7549  
Email: [pcede@mcu.net](mailto:pcede@mcu.net)

Park County Economic  
Development Corporation

Established in 1986, PCEDC is  
committed to achieving these  
broad goals for the benefit of  
Park County residents.

- Improving the Standard of  
Living in Park County
- Lessening Unemployment
- Broadening the Tax Base
- Preserving the Quality of Life  
for all residents



PCEDC is committed to maintaining the  
quality of life in Park County.



Park County Economic  
Development Corporation  
P.O. Box 606  
Livingston, MT 59047

Help Us Help You



Park County Economic  
Development  
Corporation  
P.O. Box 606  
Livingston, MT 59047

Tel: (406) 222-7227  
Fax: (406) 222-7549

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Livingston Area Chamber of Commerce  
Lead Organization Proposal

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LIVINGSTON AREA CHAMBER OF COMMERCE

# PROPOSAL

9.  
303 East Park St.  
Livingston, Montana 59047  
Phone (406) 222-0850  
Fax (406) 222-0852

MAR 01 2001

## LEAD DEVELOPMENT ORGANIZATION FOR MONTANA CERTIFIED COMMUNITIES



## OVERVIEW

Livingston and Park County are in need of a successful economic development strategy that the community and its leaders can stand behind and involve themselves in. We feel that the Livingston Area Chamber of Commerce (LACC) is the most well positioned organization in Park County to undertake this endeavor, and we are eager to take the task on.

Included in depth on the following pages is the framework of how an economic development branch could be incorporated into the LACC and what the philosophy and approach of such a branch would be. Here is an overview of what follows.

### 1. THE CURRENT ECONOMIC CLIMATE

- The loss of jobs and the closure of businesses, notably in the last year.
- Tourism is a strong revenue source, but must be focused and directed for higher returns.
- The relative strength of the business community, and its need to adapt to survive in today's ever-changing business environment.

### 2. OUR VISION

- The recruitment of businesses that are beneficial to our economy, such as tech and e-businesses.
- The promotion of a diversified economy.
- Creative solutions, such as tax-increment districts and business skill enhancement programs, which enrich the existing business climate, and provide real tools for business retention.
- A dialogue with the entire community about what they envision for the future.

### 3. OUR PROPOSED STRUCTURE

- Create an economic development branch within the LACC.
  - Hire an Economic Development Director.
  - Establish an Economic Development Alliance.
  - Establish a Financial Committee to service the existing Community Development Block Grant loans and funds.
  - Hire grant writers.
- The Alliance will act as the steering body of the economic development branch and have committed representation from throughout the community, including government, businesses, and the schools and hospital.

### 4. CERTIFIED COMMUNITIES PREPAREDNESS

- A task force will start up the certification process with the new Economic Development Director (once hired). Initially, they will complete the application and attend training sessions and workshops.
- Once formed, the Alliance will see the certification through to completion with the Director.
- The LACC already has many necessary materials for recruitment. We are a recognized informational center and have existing relationships with the government and business community.

### 5. A FINAL NOTE

## 1. THE CURRENT ECONOMIC CLIMATE

Like so many other counties in Montana, Park County has seen many changes in its economic environment. The loss of several industries has left a void which has not been filled. This has translated not only to the loss of jobs, but also to the closure of several local businesses. Recently, the Livingston School Board voted to close an elementary school in the coming year, and Livingston Memorial Hospital is having to redefine itself in order to maintain as many services as possible to area residents.

The Livingston Area Chamber of Commerce (LACC) itself has watched many of these changes unfold in its membership since its creation over 90 years ago. Notably, the tourism base has grown and, while it shows promise of continuing to do so, we have seen the effect of an economy which may be too dependent on the tourism dollar. This past summer of drought, fires and high gas prices was a great case in point. Visitation to Yellowstone National Park was down by nearly 25%. This impact was felt throughout the business community.

The effect of the change in our economy, contrasted with the expansion of options in Gallatin County, has created a climate where local business has to adapt to survive. As we have seen with the closure of several area businesses in just this last couple of months, some are simply unable to wait any longer for a tide of change.

## 2. OUR VISION

Over two years ago, the LACC Board of Directors prioritized steps we could take in the immediate future to have a dramatic effect on Park County's economy. On the list of needs was the integration of the internet as a tool for marketing the community and its businesses.

We know that we were not alone in recognizing this trend. The use of the internet has allowed many local businesses to expand their gross income, and has kept many storefronts on Main Street healthy. In addition, we have seen many individuals move to Park County, employed by companies in larger markets, earning salaries which far exceed the average Park County wage. The internet has made it possible for people from many different industries to live in an area with the quality of life they desire, and that area is Park County.

While an economic development plan for our area should not be focused on any one industry, we are not afraid to say that we see e-tech related business as a largely untapped resource which could have a dramatic and positive effect on our community. Promoting "clean" industry preserves the very environment upon which so many other industries, such as agriculture and tourism, depend.

Park County is well suited to meet the needs of many types of business, and an increased level of economic diversity would prepare us to weather the ups and downs any one market may bring. Growth of value added agriculture, a focused and directed tourism strategy, and the recruitment of new light industry and tech and e-businesses are several possibilities for providing this diversity.

Tantamount to any new economic development plan is a focus on retention of the existing business community. Obviously, the LACC is already an advocate for this group, but we hope to be able to increase the tools available to us to insure their vitality. We are interested in creative solutions, such as tax-increment improvement districts and business skill enhancement programs, to generate more interest in local businesses.

Ultimately, as leaders of economic development, we will tap the resources which already exist in Livingston and Park County - our residents. We would like an economic development vision that everyone is aware of, and to create the avenues for them to lend their ideas, imagination and support.

### 3. OUR PROPOSED STRUCTURE

The Livingston Area Chamber of Commerce has carefully considered how to expand our organization to include an economic development branch for the benefit of the entire community. We have identified key aspects of this structure, and intend to do more research and fine tuning if we are indeed granted lead development organization status. From a funding perspective, this new branch of the Chamber will have its own budget, funding sources and checkbook. While there will be many joint efforts, it will be financially autonomous. Furthermore, participation with this branch, and use of services it will provide, will not require Chamber membership.

#### *Board & Directors*

Our plan would keep the existing LACC Board of Directors in place as the top governing body. The Economic Development branch would have its own autonomous board (Alliance) under the LACC Board. We intend to install an additional Director of Economic Development who would work closely with, but not be answerable to, the LACC Executive Director.

#### *Alliance/Steering Committee*

A successful economic development strategy must tap into the many resources we have in our community. To achieve this, we plan to structure an inclusive "alliance" within our economic development branch. The inclusion of representatives from all sectors of the business related community is crucial. We have in place strong interest and support from government officials at the state and local level, school and hospital representatives, and of course, business representatives from retail as well as many other industries. In addition, The Burns Telecommunications Center has offered their support. From this supportive group we intend to draw committed representation.

While the talents and knowledge of the director we install are critical, success in other communities we've researched and visited has shown the efficacy of a larger group who feel a sense of ownership in an idea. Establishing and motivating such a group will be a keystone.

#### *Financial Committee*

The specific purpose of the financial committee would be the administering of existing and future economic development grants and loans. This group would work in conjunction with the Alliance and the Economic Development Director.

#### *Grant Writers*

The current funding structure provided by Montana Certified Communities, and the servicing of current Community Development Block Grant loans, will certainly provide startup money. However, to augment this, we feel the hiring of grant writers must be a short term goal. As has been proven in many communities and organizations, a good grant writer can more than support him or herself.

### 4. CERTIFIED COMMUNITIES PREPAREDNESS

Throughout the process of drafting this proposal we have carefully examined the requirements of a lead development organization. An LACC task force will see the development of an economic development branch through to its establishment. Thus, it will be members of this task force, along with the future Economic Development Director we would put in place, who we expect to initially oversee the process of bringing the organization into compliance with Certified Communities' standards. This would include the completion of the application and community profile and attendance at any and all training sessions or workshops.

The creation of the Alliance will be one of our first tasks and, once in place, we expect them to take over the certification process. For instance, the development of the one year action plan and five year goals is exactly the type of process that is dependent on the inclusivity upon which the Alliance will be built. Furthermore, because recruitment will be critical, readiness for visits from interested businesses will be a priority, thus we would be ready for a certification visit for lead development organization eligibility.

Being under the umbrella of the LACC assists us in meeting many certification requirements. We are already accustomed to, and have much of the necessary paperwork for, responding to inquiries about relocation to our area. The LACC office is a recognized informational center. We also have existing working relationships with the government and business communities. All we need is the opportunity to coordinate our efforts toward the community's goals.

#### 5. A FINAL NOTE

The LACC has for some time been discussing strategies for promoting economic development in Livingston and Park County. We see the appointment as the lead development organization as a critical step. Our inherent interest in economic growth, and existing relationships with the many parts of the community which should be working towards a common goal, position us well to be able to successfully implement a plan which will succeed.

In many communities throughout the state, the Certified Communities Lead Development Organization is the Chamber of Commerce. The synergy of this relationship is clear. The purpose of a chamber is to promote economic vitality in the business community. Financially, the members are direct beneficiaries if the chamber succeeds. It is the chamber in any community that businesses, residents and visitors naturally look to for information and input into affairs of economic development. Empowering the LACC to further use this role is logical.

March 5, 2001

Agenda Item 6.C.:

Review Audit Proposals for June 30<sup>th</sup> 2001-2003.

We received three proposals for audit services from the following entities:

	FY 01	FY 02	FY 03
Bob Dellinger CPA – Manhattan Montana	\$11,900	\$11,900	\$11,900
Knaub & Company PC – Bozeman Montana	\$12,395	\$12,395	\$12,395
✓ Olness & Associates PC CPA – Billings Montana	\$12,500	\$12,500	\$12,500

These proposals for professional services included statements of qualification of the members involved in the audit team in addition to proposed costs for the audits over the three year period. The cost of audit services were within \$600 of each other annually. The City's review of qualification and experience of the auditors lead us to the conclusion that we should continue audit services with Olness and Associates of Billings.

Typically, we have budgeted about \$12,500 per year for audit services.

**RECOMMENDATION:** Accept Olness and Associates proposal for audit services for fiscal years ending June 30, 2001 through 2003.

**OLNESS & ASSOCIATES, P. C.**

BRENT D. OLNESS, CPA

CERTIFIED PUBLIC ACCOUNTANTS

ERNEST J. OLNESS, CPA

801 15TH STREET WEST  
 PO BOX 23398  
 BILLINGS, MONTANA 59104-3398  
 (406) 252-6230  
 TOLL FREE (800) 814-9516  
 FAX (406) 245-6922

February 10, 2001

Shirley Ewan, Finance Officer  
 City of Livingston  
 414 East Callender  
 Livingston, Montana 59047

Dear Shirley:

Thank you for the opportunity to submit an audit proposal to conduct the financial and compliance audit of the City of Livingston for the years ended June 30, 2001, 2002 and 2003.

Olness & Associates, PC is an established leader in local government auditing throughout Montana as evidenced by Parts A and F of the proposal. We provide accounting, auditing and technical assistance to **62 governments** throughout Montana. **With Olness & Associates, you will be in direct contact with the shareholders of the firm. The shareholders are on-site for all phases of the audit process.**

**Olness & Associates, PC, is uniquely qualified to continue as the City of Livingston's independent auditor because of the past experience with the City. We also plan to early implement GASB No. 34 with the assistance of City personnel.**

Below is a list of references that share certain characteristics with the City of Livingston. We welcome you to contact anyone of them.

**-REFERENCES-**

City of Laurel  
 Bud Johnson, Council member  
 Chuck Rodgers, Mayor  
 (406) 628-7431

City of Lewistown  
 Dick Larsen, Interim Manager  
 Nikki Brummond, Finance Off.  
 (406) 538-2302

Glacier County  
 Sylvia Berkram, Clerk  
 (406) 873-5063 Ext. 21

City of Glendive  
 Kevin Dorwart, Finance Officer  
 (406) 365-3318

City of Roundup  
 Ellen Lee, Clerk  
 (406) 323-2804

Stillwater County  
 Harold Blattie, Commissioner  
 (406) 322-4546

City of Forsyth  
 Cheryl Lucas, Clerk  
 (406) 356-2521

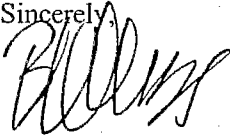
Rosebud County  
 Joan Stahl, Commissioner  
 (406) 356-7318

Fergus County  
 Kathy Fleharty, Clerk  
 (406) 538-5242

We will complete the fieldwork without any breaks in service and issue a draft report for the City's review at the end of fieldwork. If applicable, the final report will include the City's response to the findings and questioned costs.

After you have had a chance to review our proposal, please feel free to call our office with any questions or concerns. Thank you for the opportunity and we look forward to working with the City.

Sincerely,



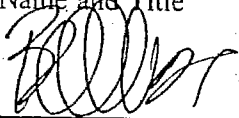
Brent D. Olness, CPA

- A. Olness & Associates is currently listed on the Department of Commerce roster of independent auditors authorized to conduct local government audits.
- B. The shareholders and staff of Olness & Associates hold current Montana certificates as certified public accountants and current annual permits to engage in the practice of public accounting under Section 37-50-314, MCA.
- C. Olness & Associates meets the independence requirements of the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, 1994 revision published by the U.S. General Accounting Office (GAO).
- D. Olness & Associates does not have a record of substandard work, which can be determined by communicating with the state licensing authority.

.....  
.....

Olness & Associates, PC, Certified Public Accountants  
Name of Firm/Practitioner

Brent D. Olness, CPA (Shareholder)  
Name and Title

  
Signature of Authorized Person

February 10, 2001  
Date of Proposal



PART A - DESCRIPTION OF FIRM (continued)

100

3. Olness & Associates, PC is a member of the Peer Review Program sponsored by the American Institute of Certified Public Accountants (AICPA) administered by the Montana Society of Certified Public Accountants.
4. Olness & Associates, PC received an unqualified peer review report. See Part G of the proposal for the results of our recent peer review conducted by Robirds & Associates, PC, and its status under the Peer Review Program.
5. The firm has had no disciplinary action taken against it. This may be confirmed through inquiries of the Montana Board of Public Accountants, Montana Society of Certified Public Accountants and the Montana Department of Commerce-Audit Review.
6. The shareholders and staff are certified public accountants in the State of Montana and members of the American Institute of Certified Public Accountants and Montana Society of Certified Public Accountants.

The partner's of the firm are past members of the Professional Monitoring Support Committee and Governmental Audit Control Committee sponsored by the Montana Society of Certified Public Accountants.

7. With Olness & Associates, the City of Livingston will be in direct contact with the shareholders of the firm. The shareholders are on-site for all phases of the audit process, including planning, fieldwork, supervision and review.

1. Following are resumes for shareholders and staff which will be assigned to the City of Livingston engagement:

**Brent D. Olness, CPA**  
Shareholder

11 years of governmental audit experience

Education

Montana State University-Billings,  
1500 North 30th Street, Billings,  
Montana

Degree: BSBA in Accounting  
Graduation Date: August, 1989

Work Experience

Olness & Associates, PC, CPA's  
July 1993 to present  
Shareholder of private accounting practice offering audit, review, compilation, tax and management advisory services.

Joseph Eve & Company, CPA's  
March 1992 to June 1993  
Senior accountant responsible for in-charging over 35 governmental and nonprofit audits.

State Department of Commerce-  
Local Govt. Services  
January 1990 to February 1992  
Auditor-in-charge for local government audits throughout Montana.

Professional Status

Certified Public Accountant, State of Montana-Certificate Number 3134

Member of AICPA and Montana State Society of CPA's

Past Member of State Governmental Audit Quality Control

Past Member of State Professional Monitoring Program

**Ernie Olness, CPA**  
Shareholder

13 years of governmental audit experience

Education

Montana State University-Billings,  
1500 North 30th Street, Billings,  
Montana

Degree: BSBA in Accounting  
Graduation Date: June, 1988

Work Experience

Olness & Associates, PC, CPA's  
January 1994 to present  
Shareholder of private accounting practice offering audit, review, compilation, tax and management advisory services.

Galusha, Higgins and Galusha  
August 1988 to December 1993  
Audit senior. Responsibilities included: supervision, planning, fieldwork and wrap-up of over 60 commercial, nonprofit and governmental audit engagements. Six tax seasons working with individual, corporate and nonprofit entities.

Professional Status

Certified Public Accountant, State of Montana-Certificate Number 3028

Member of AICPA and Montana State Society of CPA's

Past Member of State Governmental Audit Quality Control

**Curtis D. Wyss, CPA**  
Senior Accountant

8 years of governmental audit experience

Education

Rocky Mountain College, 1511 Poly Dr., Billings, Montana

Degree: BSBA in Accounting  
Graduation Date: May, 1990

Work Experience

Olness & Associates, PC, CPA's  
June 1995 to present  
Senior accountant responsible for planning, fieldwork and wrap-up of commercial, nonprofit and governmental audit engagements.

Galusha, Higgins and Galusha  
January 1993 to June 1995  
Staff accountant. 25 commercial, nonprofit and governmental audit engagements. Three tax seasons.

Edward J. DeBartolo Corporation  
July 1990 to August 1992  
Staff auditor. Conducted compliance and tenant revenue audits.

Professional Status

Certified Public Accountant, State of Montana-Certificate Number 3916

Member of AICPA and Montana State Society of CPA's

2. Brent and Ernie Olness, shareholders of the firm, have a combined total of 24 years of experience in governmental accounting and auditing. The majority of the firm's revenues are derived from governmental accounting and auditing work. Shareholders and staff receive over 60 hours of continuing education (CPE) per year, at least 40 of which is specific to governmental accounting and auditing.

Shareholders and staff attended the following CPE classes sponsored by the Montana Society of CPA's during the past three years:

- Governmental Auditing and Accounting Update
- Local Government A & A Update 1 and 2
- Local Government Update and Legislative Review
- Single Audit Update-A133
- Yellow Book Update
- Individual Income Tax Tune-up
- Business Income Tax Tune-up

Olness & Associates, PC specializes in the following areas. Please call the respective entities for references.

**Specialized Areas:**

<b>Single Audit Act</b>	<ul style="list-style-type: none"> <li>◆Miles City, Laurel and Forsyth Schools</li> <li>◆Cities of Lewistown, Laurel and Hardin</li> <li>◆Counties of Fergus, Rosebud, Stillwater and Glacier</li> </ul>
<b>BlackMountain Software</b>	<ul style="list-style-type: none"> <li>◆Cities of Laurel, Lewistown and Forsyth,</li> <li>◆Towns of Whitehall, Joliet and Fromberg,</li> <li>◆Counties of Rosebud, Glacier and Roosevelt</li> </ul>

An area we take great pride in is the work conducted at small offices with outside collection points. We understand, because of inherent limitations in any internal control structure, errors or irregularities may occur and not be detected. Our approach is designed to gain a sufficient understanding of each office to enable us to evaluate the internal control structure. Deficiencies, if any, are brought to the attention of management with suggestions for improvement.

1. Name of Practitioner: Olness & Associates, PC, Certified Public Accountants
- Office Location: PO Box 23398
- 801 15th Street West
- Billings, Montana 59104-3398
- Telephone: (406) 252-6230
- Year Firm/Practitioner Established: July 1993

## 2. Personnel:

	Total	Number:		
		CPA	LPA	Other
a. Partner/Owner	<u>2</u>	<u>2</u>	<u>-</u>	<u>-</u>
b. Manager	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
c. Supervisors	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
d. Seniors	<u>1</u>	<u>1</u>	<u>-</u>	<u>-</u>
e. Staff	<u>2</u>	<u>1</u>	<u>-</u>	<u>1</u>
Total Full-Time Professional Staff	<u>5</u>	<u>4</u>	<u>-</u>	<u>1</u>

## 3. Type/Name of Services Provided by the Firm:

	Approximate Percentage
a. Auditing	<u>70</u>
b. Tax	<u>10</u>
c. Write-up	<u>5</u>
d. Management Services	<u>10</u>
e. Other	<u>5</u>
Total	<u>100</u>

## Type/Nature of Auditing Experience:

	Approximate Percentage
a. Local Government	<u>90</u>
b. Government - Other	<u>5</u>
c. Financial Institutions	<u>-</u>
d. Non-Profit Organizations	<u>5</u>
e. Manufacturing and Industry	<u>-</u>
f. Retail Enterprises	<u>-</u>
Total	<u>100</u>

4. Number, level of personnel and percent of time which would be committed to this engagement:

	CPA, LPA, Etc.	Number	Approximate % of Proposed Time Budget
a. Partner/Owner	CPA	2	70
b. Manager	-	-	-
c. Supervisor	-	-	-
d. Senior	CPA	1	30
e. Staff	-	-	-
f. Other	-	-	-
Total		<u>3</u>	<u>100</u>

Because of the size of our firm, the shareholders are responsible for all phases of the audit and will be on-site for the audit of the City of Livingston.

5. Names of personnel who would be committed to this engagement assignment. See Part B for qualifications.

Name: Brent D. Olness, CPA (Shareholder)

Number of Years Experience: 11

Name: Ernie Olness, CPA (Shareholder)

Number of Years Experience: 13

Name: Curtis D. Wyss, CPA (Senior)

Number of Years Experience: 8

We will conduct the financial and compliance audit of the financial statements and accounting records of the City of Livingston for the years ended June 30, 2001, 2002 and 2003. The audit will be performed in accordance with generally accepted auditing standards, GOVERNMENT AUDITING STANDARDS, issued by the Comptroller General of the United States. and, if applicable, the provisions of Office of Management and Budget Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations."

TIMETABLE:

The following timetable is established for the completion of the City's audit:

Gain understanding of the internal control structure and environment and accounting system .....	First working Monday subsequent to Sept. 17th
Audit fieldwork and preliminary exit conference ..	First working Monday subsequent to Sept. 17th
Issue draft report .....	End of fieldwork
Exit conference and final report .....	Within sixty days of the end of fieldwork

PLANNING:

The planning phases of the audit will begin September of each year. Our procedures will include, but not be limited to, the following:

- We will identify the engagement's reporting objectives, obtain an understanding of the City's accounting system, policies and procedures and internal control structure and assess control risk.
- Establish audit approach based upon our evaluation of internal controls and the results of preliminary analytical procedures.
- Communications with management concerning engagement details and auditor/client responsibilities, including communications required by GOVERNMENT AUDITING STANDARDS.
- Assess management's identification of laws and regulations that have a direct and material effect on the determination of amounts in the financial statements.
- Consideration of other matters affecting the scope of the audit, including management representation letters, attorney letters and prior years' audit workpapers.

FIELDWORK:

The audit fieldwork will begin September of each year and will include analytical procedures, tests of account balances and detail transaction testing of the City's general purpose financial statements. The audit fieldwork will include, but not be limited to, the following:

- Cash and investments will be reconciled to third party statements and confirmed. As part of our testing, we will determine if the City has adequate pledges secured to cover deposits and that the City is in compliance with other statutes mandated by the State of Montana related to cash and investments.
- Interest earnings recorded in the City's accounting records will be agreed to third party statements. Receipts will be reconciled to deposits for two to four months during the period under audit.
- Taxes/assessments receivable, as recorded in the City's general ledger, will be reconciled to the County Treasurer's delinquent register, if applicable. We will also perform analytical procedures on the distribution of tax revenues and the flow of receivable balances from the beginning to the end of the fiscal year. Deferred assessments receivable will be agreed to supporting schedules.

- Fixed asset testing will include flowing the balances from the beginning to the end of the fiscal year and physically inspecting significant fixed asset additions. We will obtain detail printouts of the fixed asset subsidiary records and agree them to the general fixed assets account group and enterprise fund. All additions and deletions will be agreed to detail account inquiries of the City's capital outlay accounts, sale of fixed assets and subsidiary records.
- A listing of all short-term payables will be obtained from the City. As part of our short-term payable testing, we will perform procedures to determine if all short-term payables have been recorded in the proper accounting period.
- We will confirm all long-term debt of the City through third party statements and outside confirmations. Debt service expenditures/expenses, as recorded in the City's general ledger, will be reconciled to the supporting schedules.
- Beginning fund equity will be agreed to prior audit workpapers and/or audit reports and flowed to the end of the year. We will assist in determining what reserves need to be reported, in any.
- The formal budgets adopted by the City are an integral part of the City's day-to-day operations and are mandated by the state statutes. As a result, we will perform tests of the City's budget document and tax levy requirement schedules to determine compliance with Montana Code Annotated. We will also determine if individual funds are overspent.
- Analytical procedures will be performed on the City's expenditures/expenses and revenues. These procedures will include comparing current to prior year and budget to actual.
- As deemed appropriate, we will select certain claims of the City and perform detailed tests.
- Payroll and related benefits as reported to the state and federal government will be reconciled to the 100 object codes recorded in the accounting records. We will also reconcile the various state and federal payroll tax reports to each other and investigate differences. We will determine if the City is in compliance with applicable state and federal payroll laws and regulations.
- We will perform tests of the City's compliance with laws and regulations as required by the Standard Audit Contract with the Montana Department of Commerce.
- If applicable, we will perform tests over the City's federal financial assistance programs in accordance with the provisions of Office of Management and Budget Circular A-133, "Audits of States, Local Governments and Non-Profit Organizations."

At or near the completion of the audit fieldwork, we will perform certain additional procedures. These will include, but not be limited to, written representations from management, disclosures of related-party transactions, going concern considerations, commitments and contingencies, subsequent events and final analytical procedures.

WRAP-UP:

We will conclude our audit by issuing the following:

- A report on the fair presentation of the general purpose financial statements in conformity with generally accepted accounting principles, GOVERNMENT AUDITING STANDARDS, issued by the Comptroller General of the United States.
- A report on compliance and on internal control over financial reporting based on an audit of financial statements performed in accordance with GOVERNMENT AUDITING STANDARDS.
- A report on compliance with requirements applicable to each major program and internal control over compliance in accordance with OMB Circular A-133.

	Estimated Hours	Rate per Hour	Total Dollars
Partner	170	55.00	9,350.00
Senior	100	35.00	3,500.00
Clerical/travel	--	--	550.00
Discount	--	--	(900.00)
Price proposal-FY01			12,500.00
Price proposal-FY02			12,500.00
Price proposal-FY03			12,500.00
Additional cost copies above the required 15 copies			NONE

Fees charged for additional assistance in closing year-end and adjusting entries would be billed at our normal rates of \$35 to \$80 per hour.

**Copies of adjusting journal entries resulting from the City's audit will given to the Finance Officer. Assistance will be provided at no cost in posting the entries to the City's general ledger.**

The following is a summary of realistic time estimates to conduct the audit of the City.

Planning and internal controls		34
Fieldwork:		
Permanent file	8	
Analytical procedures	18	
Trial Balances/budgets	20	
Tests of legal compliance	8	
Cash/investments	15	
Receivables (taxes and misc)	15	
Due to/froms	2	
Inventories	1	
Fixed assets	15	
Short-term payables	10	
Deferred revenues	2	
Long-term debt, including bond compliance	15	
Equity	5	
Single Audit	20	
Revenues, including enterprise receivables	27	
Expenditures/expenses (claims, payroll and debt service)	22	
Subsequent events	2	
Commitments/contingencies	<u>1</u>	
Review		206
		<u>30</u>
		<u>270</u>

Because of the size of our firm, the shareholders are responsible for all phases of the audit and will be on-site for the audit of the City of Livingston.



108 The following is a list of clients served by Olness & Associates, CPA's:

30 School Districts

- Billings
- Forsyth
- Bridger
- Pryor
- Monforton
- Fromberg
- Ryegate
- Roberts
- Montana City School
- Lamotte
- Miles City
- Red Lodge
- Joliet
- Twin Bridges
- Amsterdam
- Willow Creek
- Lavina
- Canyon Creek
- Arrowhead
- Absarokee
- Laurel
- East Helena
- Browning
- Anderson
- Gallatin Gateway
- Judith Gap
- Broadview
- Winnett
- Harrison
- Huntley Project

15 Counties

- Rosebud County
- Custer County
- Wheatland County
- Roosevelt County
- Jefferson County
- Glacier County
- Stillwater County
- Petroleum County
- Daniels County
- McCone County
- Fergus County
- Carbon County
- Park County
- Roosevelt County
- Garfield County

13 Cities and Towns

- City of Livingston
- City of Forsyth
- City of Laurel
- Town of Fromberg
- Town of Ennis
- City of Lewistown
- City of Roundup
- City of Harlowton
- Town of Columbus
- City of Glendive
- City of Hardin
- Town of Joliet
- Town of Whitehall

4 Other Governments

Huntley Water District  
Robert's Water and Sewer District  
Worden Water and Sewer District  
Yellowstone-West/Carbon County Cooperative

2 Nonprofit

Montana Migrant Council  
Billings Education Association

Please feel free to contact the entities above for references and questions.

**CITY OF LIVINGSTON**  
 414 E CALLENDER  
 LIVINGSTON, MT 59047  
 (406) 222-2005  
 FAX (406) 222-6823

# Purchase Order

No. 24726

109

DATE	REQUISITION NO.
2/28/01	

SHIP TO

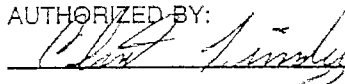
O Hava Excavation

ACQUISITIONED BY	SHIP BY	SHIP VIA	F.O.B. POINT	TERMS

QUANTITY ORDERED	QTY. REC'D	STOCK NO./ DESCRIPTION	UNIT PRICE	TOTAL
		Final Payment for		
		Sewer project Res # 3103	4,802.03	
		minus 1% Tax	48.02	
		Plus 1% Retainage	96.935	
		1% Total Payment	9.69	
				<u>5,723.36</u>
		5310-503-430630-940		

Please send \_\_\_\_\_ copies of your invoice.  
 Order is to be entered in accordance with prices, delivery  
 and specifications shown above.  
 Notify us immediately if you are unable to ship as specified.  
 Order number must appear on all invoices, packages  
 and correspondence.

ORIGINAL

AUTHORIZED BY:  


APPLICATION FOR PAYMENT NO. Final (4)

TO CITY OF LIVINGSTON

Contract for SEWER MAIN REPLACEMENT LOCATED BETWEEN 10TH & 11TH STREETS FROM LEWIS TO GEYSER ST.

OWNER'S Contract No. RESOLUTION NO. 3103

ENGINEER'S Project No. 24-14

For Work accomplished through the date of 1/1/01 Final For Project

ITEM	CONTRACTOR'S Schedule of Values			Work Completed	
	Unit Price	Est. Quantity	Amount	Quantity	Amount
1. Asphalt Removal	\$ 1,708.92	1 ea.	\$ 1,708.92	1 ea.	\$ 1,708.92
2. Concrete Removal	\$ 805.06	1 ea.	\$ 805.06	1 ea.	\$ 805.06
3. 8" SDR 35 Sewer Main	\$ 30.24	1290 lf	\$ 39,009.60	1274	\$ 38,525.76
4. Type 2 Pipe Bedding	\$ 9.30	100 yd	\$ 930.00	—	\$ —
5. Imported Backfill	\$ 5.30	100 yd	\$ 530.00	—	\$ —
6. 48" Standard or Drop MH	\$ 4,621.50	3 ea	\$ 13,864.50	3 ea.	\$ 13,864.50
7. 4" PVC Sewer Services	\$ 321.48	36 ea	\$ 11,573.28	38 ea	\$ 12,216.24
8. Sewer Bypass Pumping	\$ 4,379.50	1 ea	\$ 4,379.50	1 ea	\$ 4,379.50
9. Alley Approach Replace	\$ 5.66	350 sf	\$ 1,981.00	932 sf	\$ 5,275.12
10. Sidewalk Replacement	\$ 5.50	250 sf	\$ 1,375.00	478 sf	\$ 2,629.00
11. 6 inch Minus Sub Base	\$ 1.70	1290 lf	\$ 2,193.00	1308 lf	\$ 2,223.60
12. 3/4 Surface/Base Course	\$ 1.34	1290 lf	\$ 1,728.60	1308 lf	\$ 1,752.72
13. Plant Mix Grade B	\$ 18.16	392 lf	\$ 7,118.72	508	\$ 9,225.28

Total (original contract)

\$ 92,605.70

Change Orders (+ or -): #1 = \$ 2,404.25 #2 = \$ 1,030.67

3,434.92

Current Contract Price:

96,040.62

5% Retainage:

4,802.03

Total less retainage:

91,238.59

Previous Payments: #1 (\$ 28,762.05), #2 (\$ 22,747.24), #3 (\$ 38,750.16)

90,259.45

DUE THIS PAYMENT

979.14

1% Public Cont. Tax:

9.79

TOTAL PAYMENT

969.35

Retainage - 1% P.C.T  
Final Payment \$ 4802.03 - 48.02

4754.01

FINAL TOTAL \$ 5,723.36

**CONTRACTOR'S Certification:**

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied to discharge in full all obligations of CONTRACTOR incurred in connection with Work covered by prior Applications for Payment numbered 1 through Final (A) inclusive; (2) title to all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all liens, claims, security interest and encumbrances (except such as are covered by Bond acceptable to OWNER indemnifying OWNER against any such lien, claim, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not *defective* as that term is defined in the Contract Documents.

Dated \_\_\_\_\_, 20\_\_\_\_ T. Patrick O'Hara  
CONTRACTOR

By: \_\_\_\_\_  
(Authorized Signature)

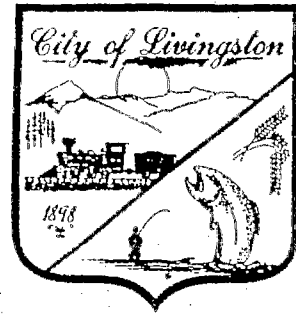
Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated February 1, 2001 Western Consulting Inc.  
ENGINEER

By: Scott A. Thera  
(Authorized Signature)

112  
**City of Livingston**

414 East Callender Street  
 Livingston, Montana 59047 - 2746  
 (406) 222-2005, Ext. 300 • FAX 222-6823



**CLAIM FORM**

**OFFICIAL USE ONLY**

CLAIMANT Income & Misc Tax Div  
 ADDRESS P.O Box 5835  
Helena MT 59604

RESOLUTION NUMBER \_\_\_\_\_  
 NAME \_\_\_\_\_  
 VENDOR NUMBER \_\_\_\_\_  
 WARRANT NUMBER \_\_\_\_\_  
 TOTAL 57<sup>81</sup>

DATE	INV #	DESCRIPTION	AMOUNT	ACCOUNT	AMOUNT
3/2/01	Draw 4	Final Pymt to O'Hara Construction for Sewer line replac 10th + 11th Sts	57 81	5310.503 430130.940	57 81
		O'Hara Total 5,781.17			
		Less 10% 578.11			
		Prcl payable 5,203.06			
			57 81		

NOTE: All claims must have invoices attached.

CLAIMANT: I Certify that this claim is correct and just in all respects, and the payment or credit has not been received.

Sign Here J. Curran Date 3/2/01

**OFFICIAL USE ONLY**

FILED \_\_\_\_\_, 19 \_\_\_\_\_

<b>GROSS RECEIPTS WITHHOLDING REPORT</b>  State of Montana  <b>DEPARTMENT OF REVENUE</b>	Department of Revenue Use Only
--	--------------------------------

The agency or contractor must, in accordance with Section 15-50-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or subcontractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from subcontractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the subcontractor.

1	Contract Awarded by (Agency or Prime Contractor) <hr/> Name <u>City of Livingston</u> <hr/> Address <u>414 East Callender</u> <hr/> City/Town <u>Livingston MT</u> Zip <u>59047</u>	<b>MAIL TO:</b> Business Tax Section Income & Miscellaneous Tax Division Department of Revenue PO Box 5835 Helena, MT 59604
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2	Contract Awarded by (Prime or Subcontractor) <hr/> Name <u>T. Patrick O'Hara, Inc</u> <hr/> Address <u>1106 West Park, #410</u> <hr/> City/Town <u>Livingston MT</u> Zip <u>59047</u>	3 Montana Contractor's Registration Number <u>10011</u>  4 Contract Award Date <u>June 19, 2000</u>
---	--	---

5	Contract Number/Official Designation.	> Resolution 3103
6	Month and year increment payment earned.	> Thru 1/1/01
7	Gross amount due contractor or subcontractor at the time of this report.	> \$5,781.17
8	Amount withheld (1% of line 7). <small>If payment made to prime contractor, remittance must accompany report.</small>	> 57.81
9	Net amount paid contractor or subcontractor at the time of this report.	> \$5,723.36

10	Check proper box for type of report being filed: <input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account. <input type="checkbox"/> Subcontractor Allocation. Authorization to transfer credit to subcontractor. Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty.  Date payment made to subcontractor _____
----	---

11	Location and brief description of work being performed: <u>Sewer Main Replacement between 10th &amp; 11th Streets from Lewis to Geyser Sts.</u>  <u>Livingston MT</u>
----	--

REPORT SUBMITTED BY	Agency or Prime Contractor <u>City of Livingston</u>	
AWARD AUTHORIZATION	Preparer's Signature <i>Shirley Gowan</i>	Date <u>3-2-01</u>
	Preparer's Telephone Number <u>406-222-2005 ext 202</u>	

March 5, 2001  
City Manager Comments:

1. **Response to Thomas Burns' Proposal to Trade Some Land In Exchange for Elimination of Past and Future Assessments.** Enclosed is a February 26, 2001 memo from Mr. Burns requesting a response from the City by Friday, March 2<sup>nd</sup>. Enclosed is a response to Mr. Burns dated March 2<sup>nd</sup>. Pg 119

2. **Transportation Coordinating Committee Meeting Minutes.** See enclosed February 13, 2001 meeting minutes. Pg 116

*Final  
selection  
process*

3. **Review Statements and Qualifications for Urban Design and Integrated Capital Improvements Plan.** The City Commission has received five separate statements of qualification received from consultants and response to the request for qualifications for this project issued on January 2<sup>nd</sup>. A copy of the entire request for qualifications is provided for your information along with a letter received dated February 21, 2001 by the City Commission from Larry Raffety, a local architect. I have spoken with Mr. Raffety in follow up to his concerns and have invited him to assist in developing our consultants selection process. Mr. Raffety will be meeting with staff and then again with the selection committee and the City Commission to discuss consultant selection and project expectations to ensure that we get the product from this process that we expect. Pg 121

4. **State Accepts June 30<sup>th</sup>, 2000 Audit Report and City Responses for Proposed Corrective Action.** See enclosed February 22, 2001 letter. Pg 134

5. **Planning Department Monthly Report - January/February 2001.** Pg 135

6. **City Submits Letters of Support for Homemaker Program and Angel Line Van.** See enclosed letters. Pg 137

7. **City Letterhead Revised.** City letterhead has been revised to incorporate a portion of the picture painted by Rachella Devine for the City's first Summerfest last year. A copy of this letterhead is enclosed with a February 26, 2001 letter to Ms. Devine thanking her for painting the picture. Pg 139

8. **CTEP Funds.** I will be updating a public notice and providing a proposed list of possible projects for public and Commission's comment and review for a future meeting.

9. **Calendar of Activities and Events:**

- Mar 5<sup>th</sup> 6:00 p.m. - Livingston Ditch Workshop
- Mar 5<sup>th</sup> 7:30 p.m. - City Commission Meeting
- Mar 7<sup>th</sup> 4:00 p.m. - Joint City/County Meeting
- Mar 8<sup>th</sup> 8:30 a.m. - Livingston Emergency Planning Committee
- Mar 8 & 9 Montana Economic Developers Association and Montana

Mar 19th - City Commission

Certified Communities Statewide Spring Conference; Helena  
(agenda provided in item 8.B.)

- Mar 13<sup>th</sup> 11:00 a.m. - Airport Board
- Apr 2<sup>nd</sup> 7:30 p.m. - City Commission Meeting
- Apr 5<sup>th</sup> 8:30 a.m. - Community Transportation Program Workshop (City Manager - Billings)
- Apr 10 & 11 Certified Communities Lead Development Organization and Economic Development Professionals Training; Billings

10. Meetings To Be Scheduled Include:

- Mayor's Landing Workshop;
- A review of the Urban Design and Integrated Capital Improvements Plan - Request for Qualifications - I plan to include a representative of the City/County Planning Board in addition to the City Planner, County Planner, Street Superintendent, and Public Utilities Superintendent in the selection process with the City Commission;
- Meeting with Dr. Healow and Montana Marginal Energy

Vision

Thurs March 15th

Mar 19th  
City Commission  
8:30 AM

evening

11:00 AM  
 Airport Board  
 7:30 PM  
 City Commission Meeting  
 8:30 AM  
 Community Transportation Program Workshop  
 City Manager - Billings  
 10:00 AM  
 Airport Board  
 7:30 PM  
 City Commission Meeting  
 8:30 AM  
 Community Transportation Program Workshop  
 City Manager - Billings  
 10:00 AM  
 Airport Board  
 7:30 PM  
 City Commission Meeting  
 8:30 AM  
 Community Transportation Program Workshop  
 City Manager - Billings

Agenda Item



Livingston Transportation Coordinating Committee  
Meeting Minutes  
February 13, 2001  
10 a.m.

The meeting was called to order by Chairman Golnar.

1. **Bob moved to approve the minutes** of the 11/16/00 meeting. Ellen seconded, Steve noted correction to the spelling of the word Capitol should read Capital, the amended motion passed.
2. **Clarification of TCC Memorandum of Agreement regarding the TCC's recommendations be Advisory or the Final Decision.** The City of Livingston responded with a memo from Steve Golnar dated 1/5/01. Steve stated that the City Commission felt the TCC was advisory only and that the governing bodies make the decision on how the money is spent. Rob wanted to know if the City decides on Urban Projects, what does that mean? Steve replied that the TCC develops recommendations for Transportation plans and the commissions then take these recommendations under advisement when considering which projects to commit to. The City would like a broader representation on the TCC. Rob stated for new member Ed Carrell, that the TCC is the body that sets the priorities for the Urban Projects. Steve noted that the TCC role is to make recommendations, but the City and County Commissions make the decisions on actually implementing or funding any project. Ellen commented that the County does not have a resident member on this committee. She also stated that John Fryer would be the representative for the City/County Planning Board. The County did not provide a response to this issue.

Rob then gave some background and purpose information. X amount of federal dollars are given to the County and to the City (in Urban funds to the City). The TCC is representative of City and County and it sets the priorities. The TCC's recommendations should stand even though the City and County Commissions sign the dotted line.

It was also stated that these funds are federal highway funds to be used on certain roads – the addition of more members to the committee may muddy the waters as the committee is well represented currently.

Membership for the committee was then discussed. The City/County Planning Board will be represented by John Fryer. The County will advertise for a resident of the County to be on the TCC. (It was noted that with the City's recommendations for membership that the deck was being stacked with more City people.)

Ellen moved to add four ex-officio, non-voting members to the TCC, two members appointed by the City and two members appointed by the County. Ed Carrell seconded the motion and it was passed.

Rob moved to add the representatives listed in the memorandum from Steve Golnar at the request of the City commission. Ken seconded the motion. The motion failed with Bob Weimer voting for it.

It was also suggested that proxies be used for members that were unable to attend the TCC meetings. Patty will provide a proxy form for the next meeting. She also stated that proxies should be entered into the minutes at the beginning of the meeting.

3. **Traffic Study Short-Term Implementation Recommendations** from Jim, Ellen, Caron, Ken and Rick were discussed.

Item 1 – Paint parking setbacks on all four legs of the intersection at Callender and 3<sup>rd</sup> Streets. This recommendation has been approved by the Parking Task Force and project should be started this Spring.

Item 2 – Install a sign, prohibiting pedestrians on the river bridge east of town. Doug will check on the laws. This has been identified as a safety problem and should be addressed as a safety problem. If it is a convenience problem it should be addressed as that. A sign can not be posted until the County passes an ordinance. Doug to get information to Ed Carrell.

Item 3 – Consider angle parking (one side) and removing 2 hour parking restriction on the 100 and 200 blocks of South B Street. Again, Doug will check into angle parking guidelines and work with Jim on this. Lee Alt will be consulted on this type of parking. Angle parking has its drawbacks as a safety issue.

Item 4 – Look into gaining public use of off-street parking at MPC building on B Street. Patty is conducting a meeting with owners of private parking lots and will report back on this item.

4. **Parking Issues/Recommendations** – Steve read over the parking task force preliminary short and long term recommendations included in our packets. Presently, a plan is being worked on to present to local business and property owners and the public, prior to implementation of any revisions to parking. Necessary materials will be needed such as an aerial map to present the project properly. Steve will contact Lynn Zanto of the MDT to obtain an aerial photograph of the downtown parking area.

5. **Project Status.**

-Urban Pilot Program – 5<sup>th</sup> and Park Street Intersection. The City Commission has voted to approve this project and RFQ's are going to be requested. Steve noted that conversations with Lynn Zanto led him to believe that an RFP could be done only if the MDT's pre-qualified list of consultants were used and his feeling was that the City would want to consider all qualified consultants. Construction could begin in 2002. Rob noted that there is flexibility in design standards for this project. Steve noted

some of Clint Tinsley's concerns with the water main project in cooperation with this project.

-CTEP Projects – Steve noted that the Bike Path, Landscaping and streetlights projects have been approved. The roof of the Livingston Depot was not approved at this time due to the fact that the money to re-roof the building was not identified in the initial application. The CTEP program is a capital program. Design can only be done for projects which will be constructed. Proof of funding construction and a commitment to return CTEP dollars if the project is not completed will be required by CTEP. Rob noted that the procedure was done backwards. The planning should have been done first and some of the capital dollars sought from CTEP.

-CTEP Proposals for 2001 were discussed. The public hearing will be conducted during a City Commission meeting. There are around \$36,000 annually for City Projects, plus the unused balance of funds. A list of proposed projects will be drawn up for the next TCC meeting.

6. **Plans, Projects, Issues** - The State noted that an overlay South of Livingston between mileposts 33 and 43 would take place this summer. There will also be guardrail upgrades. A rehab of Carter's Bridge will also be done. The MDT will also work on the Carter's Bridge Bike Path project in conjunction with the County.

The County did not have any projects to review.

The City will do some chip sealing this summer. Completion of the infrastructure project from 6<sup>th</sup> to 10<sup>th</sup>, including Callender Street to Park Street will be initiated when the frost leaves the ground in April or May 2001. Water lines will also be replaced from North 2<sup>nd</sup> to North 8<sup>th</sup> Streets between Front and Chinook Streets in the Fall of 2001. Replacement of the water main from Yellowstone to North 6<sup>th</sup> Street on Front Street will also be done in the Fall of 2001, in preparation for work to be done by MDT at the intersections of 5<sup>th</sup> and Park and 5<sup>th</sup> and Front Streets.

The Chamber has requested help with paving their parking lot.

With no further business, the meeting adjourned at 11:55 a.m.

Respectfully submitted,

Patricia Kiderlen  
The Secretary

ATTENDING THE MEETING: Steve Golnar, Jim Woodhull, Rob Bukvich, Doug Moeller, Patty Kiderlen, Bob Weimer, Ed Carrell, Ken Kastelitz

Thomas Burns  
501 S. 7th  
Livingston, MT 59047

February 26, 2001

Steve Golnar  
414 E. Calender St.  
Livingston, MT 59047

Dear Steve,

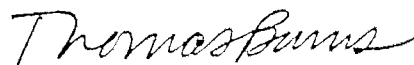
As you may know, my partner, Steve Hicks, and I are filing a lawsuit the week of March 5th in District Court against the City to settle this problem we have with the street maintenance and lighting district fees on our hillside property. Before we do, I'd like to propose something that might work all of us.

Most of our 15 lots are unbuildable. We bought the land five years ago because there were two marginal single-home sites on the land. The remainder of the hillside is either too steep, too rocky or the Livingston Ditch runs through it. Besides, there's no access to the property and because it's mostly steep hillside, there's no developed streets or alleyways on it. When the street and lighting fees were tacked on to our tax bill in 1996, our taxes shot up by nearly 800%.

Here's what we're proposing: 1. give the City--as open space--lots 28-32 of block 39 (directly behind the Park County Museum) in exchange for eliminating all past and future road maintenance and lighting district fees on our ten remaining lots (lots 1-6 & 29-32, block 38) until such time it is developed with an enclosed structure on it, 2. that the City abandon the streets and alleyways running north and south, within and bordering our ten lots (see map), and 3. refund our district court filing fee if an agreement is worked out.

Let me know what you think of this idea by this Friday.

Sincerely,



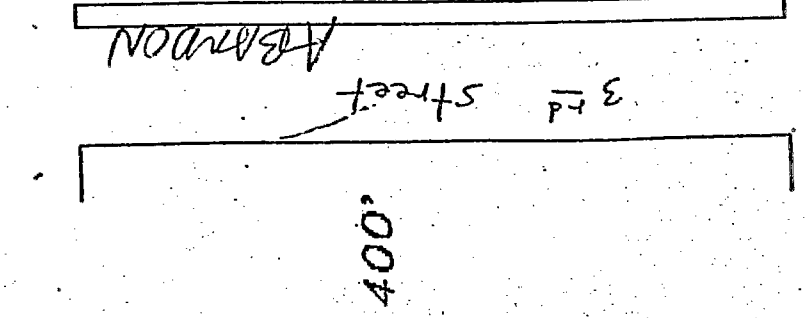
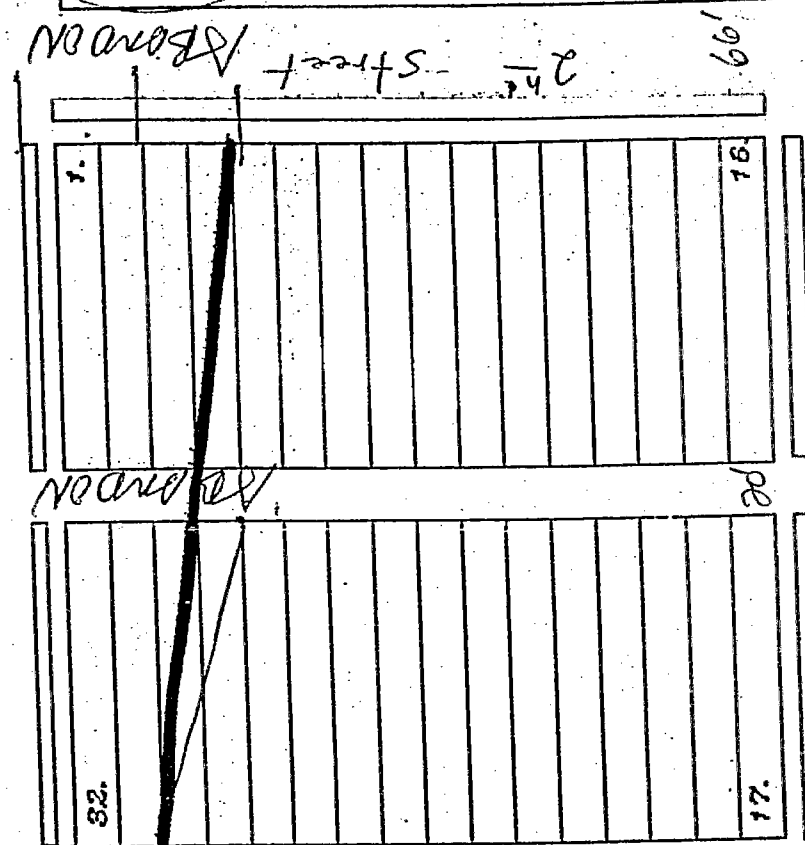
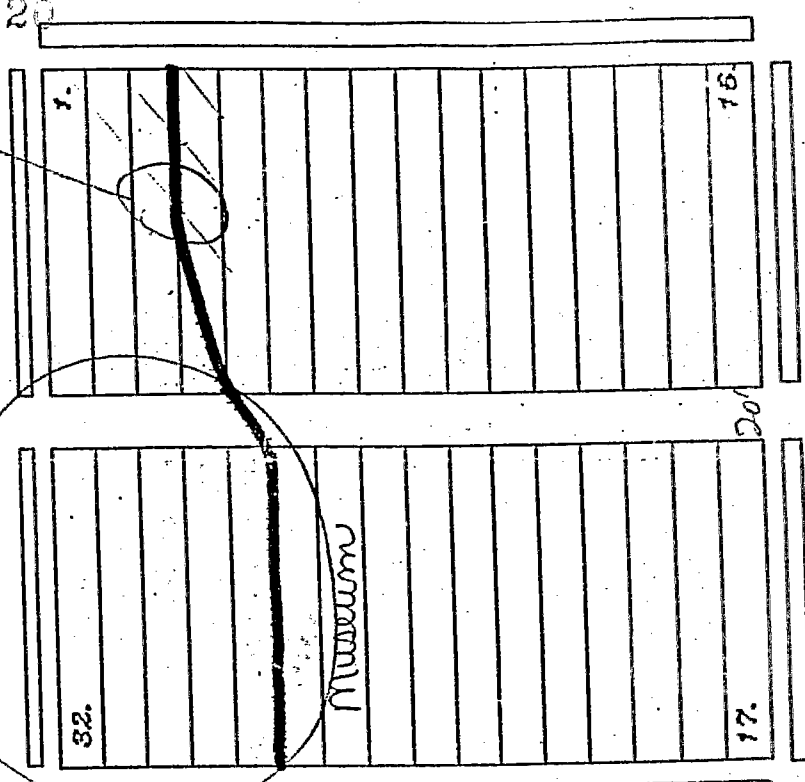
Thomas Burns

cc: City Commissioners

120  
DITCH  
LUNNETS

TOWNSHIP  
Block 39

Block 38



870' GUARD RAIL

# **REQUEST FOR QUALIFICATIONS**

**Urban Design & Integrated Capital Improvements Plan**

**January 2, 2001**

- I. INTRODUCTION**
- II. SCOPE OF WORK**
- III. PROPOSAL REQUIREMENTS**
- IV. CONSULTANT SELECTION**
- V. ADDITIONAL INFORMATION & CONDITIONS**

## I. INTRODUCTION

The Livingston City Commission, in coordination with Park County and the City-County Planning Board, is proposing to develop an Urban Design and Integrated Capital Improvements Plan. The plan will provide guidelines for the development of the urban area by combining the aesthetic desires of the community with the necessary capital improvements to the public infrastructure. This Plan is viewed as being a supplementary component of the Growth Policy document, which has already been initiated. Because of the specialized nature of the work involved, this Request for Qualifications (RFQ) is being issued to select a consultant to perform the necessary tasks.

The main objectives of this effort are to: (1) develop urban design standards and streetscape designs that reflect the desires and needs of the community and; (2) Develop Capital Improvements procedures that maintain urban design standards as programmed work is carried out. This will be accomplished by:

- Soliciting extensive public input including but not limited to planning board public hearings, special meetings facilitated by the consultant, surveys, etc.
- Developing urban design and streetscape standards emphasizing the preservation of the downtown core and sense of place while deterring urban sprawl
- Balancing vehicular and pedestrian circulation and addressing parking issues
- Considering existing Capital Improvement Plans
- Evaluate impact of urban design and streetscape standards on existing plans, both public and private
- The final guidelines should consider:
  - Population characteristics
  - Economic and market characteristics
  - Community and institutional structures
  - Community resources
  - Historic and cultural heritage
  - Minimizing floodplain development

## II. SCOPE OF WORK

The following is a list of the minimum work required under this contract. Additional tasks and work elements may be added during contract negotiations. It is also possible that tasks or elements could be deleted through consultation. The selected contractor will be required to prepare urban design standards and capital improvement guidelines for City approval on conclusion of the negotiation process. The contractor will be required to complete all work under this contract by December 1, 2001 or within the time frame agreed to once they have received the contact.

### A. STUDY AREA BOUNDARY

The City of Livingston and the City-County Planning Area.

### B. DATA ACQUISITION

The contractor will identify the information and data needed to accomplish all facets of the study effort, will search out and evaluate the information and data that is already available for use, and will be responsible for collecting or developing any additional information required to accomplish the study tasks and objectives. Any existing data utilized will be adequately referenced in study documents to allow users and reviewers of the study to identify and obtain the referenced material. Any new data and information collected or developed by the contractor shall be appended to the study report. Attached as Exhibit A is a list of material available from the City.

### C. REQUIRED ANALYSES

The analyses performed by the contractor will include (at a minimum):

- Identification of relevant, current and future plans of: MDT, MRL/BNSF, RY Timber, LRC and other major land holders
- Preliminary recommendations for "highest and best use" of property
- Recommendations for addressing current and future parking deficiencies
- Identification of aesthetic preferences
- Effect of preferred urban design standards on public expenditures
- Effect on current capital improvement plans
- Proposed strategy for implementing the urban design standards

Note: The applicant should include any additional information that the City has not identified, but that could be valid for this investigation.



#### **D. PUBLIC PARTICIPATION**

This project will entail public involvement and public meeting work. The contractor shall include a public participation program in his/her response to this RFQ to maximize public awareness and involvement in the analysis process. The City shall approve the proposed program during negotiation of the final contract. The contractor's program proposal should include at least the following elements.

- Meet with, or personally contact, representative of MDT, BNSF, RY Timber, LRC and any other major landowners to ascertain future land use and project plans.
- Mechanisms for informing/educating the public about the urban design study (and the significant issues under consideration), which will motivate participation and encourage meaningful response.
- Mechanisms for public participation to be used in gathering response to the contractor's inquiries.
- Mechanisms for presenting the draft urban design standards and capital improvement guidelines to the general public, and the City.
- Mechanisms for documenting participation, recording input, analyzing, and summarizing the responses received during all phases of the process.
- An indication, and/or examples, of the materials (media releases, handouts, presentation displays, graphics) that the contractor will use in public communication.

#### **E. PLANNING OUTPUTS**

The contractor shall provide detailed urban design and implementation recommendations deemed appropriate based on his analyses of the previously listed issues and factors.

The contractor shall prepare a written summary suitable for public distribution of the material described in the previous paragraph. A presentation, together with appropriate visual/graphic displays for use at an open public meeting will also be prepared. The contractor should plan to participate in several public meetings and make presentations as needed.

Utilizing the guidance received from the City, County and City-County Planning Board, the contractor shall prepare a final document outlining the Urban Design recommendations and an appropriate implementation strategy.

20 copies of the draft final study plus one unbound, reproducible document, in addition to public presentation graphics, will be submitted to the City for its final approval. One copy of all text and graphics will be submitted to the City in electronic format (MS Word/AutoCAD).

### III. PROPOSAL REQUIREMENTS

Five copies of proposals along with one unbound, reproducible document shall be delivered by 5:00 p.m. February 16, 2001 to Jim Woodhull, Planning Director, City of Livingston, 414 East Callender, Livingston, Montana 59047.

Proposals shall, at a minimum, include the following items:

- A brief statement of the contractor's understanding of the goals of this project and the services required of the contractor.
- A proposed work plan by phase, indicating tasks to be accomplished, work schedule, and contractor personnel/subcontractors expected to perform each major task element.
- A public participation program detailing contractor's plan for obtaining public input and identifying the specific mechanisms to be employed in meeting the requirements identified in the Scope of Work Public Participation section.
- Qualifications of key individuals to be assigned to this project, their availability during the relevant time periods, and their recent experience on similar projects.
- References for whom the contractor and/or key personnel have performed similar work within the last five years, and two examples of work produced under similar contracts (examples produced on projects utilizing the key personnel identified for this proposal are preferred).

- Cost to complete the study (itemized costs).
- Outline and discuss the analysis methodology to be used.
- Provide a listing of any additional issues you feel should be addressed that have not been identified, and an explanation why they could be important.
- Explain why your firm is uniquely qualified to perform this assessment.

#### **IV. CONTRACTOR SELECTION**

The City will convene a Contractor Selection Committee to evaluate and rank the contractors, which respond to this RFQ. This evaluation will be based on the proposals submitted and (at the discretion of the committee) on interviews with those contractors who appear to be particularly well qualified based on their written proposals.

The evaluation and ranking of contractors will be based on the following factors, which will be weighted as shown:

- Contractor's demonstrated knowledge/understanding of the goals of this project. (25%)
- Responsiveness and quality of contractor's work plan. Does the work plan show that the contractor has the ability and will commit sufficient resources, to accomplish the required analyses, coordinate work with City staff, and produce a quality study document? (25%)
- Adequacy and feasibility of contractor's public participation plan. Will it inform the community of the study process and issues, provide adequate opportunities for involvement, factor public concerns into the development of the study, and provide documentation of input received and how that input was utilized in the study? (20%)
- Qualifications and availability of the key personnel and subcontractors identified in the work plan. Availability of adequate support staff and material resources. (15%)
- Contractor's record for fulfilling the requirements of similar projects to the satisfaction of the contracting entity, and for accomplishing such projects on schedule and within budget. (15%)

The contractor rankings assigned by the Contractor Selection Committee will be subject to the approval of the City Commission as a whole. Upon approval, negotiations will commence with the highest ranked consultant. The contract will be awarded upon reaching an agreement on a final work plan and price. If an appropriate agreement cannot be reached with the highest ranked consultant, the second ranked consultant will be approached, and so on.

## V. ADDITIONAL INFORMATION & CONDITIONS

### A. STATEMENT OF NON-COMMITMENT

Issuance of this RFQ does not commit the Livingston City-County Planning Board, the City of Livingston or Park County to award a contract or to pay any costs incurred in preparation of proposals responding to this RFQ. The entities reserve the right to reject any or all proposals and to re-advertise. All proposals will become property of the City-County Planning Board.

### B. EQUAL EMPLOYMENT OPPORTUNITY

Successful contract bidders must comply with provisions of all applicable federal law, including Title VI and Title VII of the Civil Rights Act of 1964. Any subcontracting by the successful bidder subjects subcontracting firm(s) to the same provisions of federal law. In accordance with the Montana Governmental Code of Fair Practices (49-3-207 MCA) the consultant (hereinafter referred to as the "Contractor"), agrees as follows

- 1) **COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**
  - (a) Compliance with Regulations: The Contractor shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract.
  - (b) Nondiscrimination: The Contractor, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.
  - (c) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Contractor for work to be performed under a

subcontract, including procurements of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this Agreement and the Regulations relative to nondiscrimination.

- (d) Information and Reports: Contractor will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify as requested, setting forth what efforts it has made to obtain the information.
- (e) Sanctions for Noncompliance: In the event of the Contractor noncompliance with the nondiscrimination provisions of this Contract, Local Government may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
- (1) Withholding payments to the Contractor under the Contract until the Contractor complies, and/or
  - (2) Cancellation, termination or suspension of the Contract, in whole or in part.
- (f) Incorporation of Provisions: Contractor will include the provisions of paragraphs (1) through (6) "Compliance with Title VI of the Civil Rights Act of 1964 for Federal Aid Contracts - Notice to Contractor" ("Exhibit B") in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. Contractor will take such action with respect to any subcontract or procurement as the Department or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Contractor is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the Department to enter into the litigation to protect the interests of the State, and, in addition, the Contractor or the State may request the United States to enter into such litigation to protect the interests of the United States.

2) **COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, § 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, Contractor agrees that for this Contract all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

3) **COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

(a) Contractor will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.

(b) Contractor will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "Contractor will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Contractor. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the "Contractor."

3) **COMPLIANCE WITH DISADVANTAGED BUSINESS ENTERPRISE (DBE)**

Based on consideration of the RFP work items, a DBE goal of 0% has been set for this contract. Even though a 0% DBE Goal was set for this contract, DBE contractors are encouraged to bid through the following:

1) Serious consideration of utilizing DBE firms should subcontracting of services be deemed necessary by the prime contractor (if prime is a non-DBE firm) proposing on this project.

**C. VENUE**

In the event of litigation, venue shall be in the Sixth Judicial District in and for Park County, Montana, and the laws of the State of Montana shall apply.

**D. INSURANCE**

Prior to the start of work, the consultant shall provide written proof of having the following insurance:

Workers Compensation Insurance, current and valid in the State of Montana.

Comprehensive General Liability Insurance, including Automobile Liability Insurance, with limits of not less than \$1,000,000 per occurrence.

**E. RFQ AUTHORITY**

This RFQ has been issued in accordance with 18-8, Part 1, Montana Code Annotated and 2.5.602 Administrative Rules of Montana. The RFQ process is a procurement option allowing award to be based on stated criteria or evaluation factors. Cost will be a consideration. The evaluation factors to be utilized in this procurement have been specified in Section IV of this RFQ.

**F. ADDITIONAL INFORMATION**

For more information regarding this RFP, please contact Jim Woodhull at 414 East Callender, Livingston, MT 59047 or phone (406) 222-2005 Ext. 1208.

**EXHIBIT A****DATA TO BE PROVIDED BY CITY**

- City of Livingston 20 year Infrastructure Plan
- Livingston Historic Preservation Ordinance & Historical resource survey
- Zoning Ordinance
- Subdivision Regulations
- Floodplain Map
- Aerial photos of the urban area
- 1995 Comprehensive Plan
- Current Transportation Study
- List of major property owners
- Sewer and water systems capacity reports
- Current census estimates
- Minutes and recommendations from Parking Task Force and Transportation Coordinating Committee
- List of known, approved projects



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LARRY RAFFETY  
ARCHITECT

115 EAST CALLENDER STREET  
LIVINGSTON, MONTANA 59047  
406-222-8718 fax 8717

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February 21, 2001

Vicki Blakely  
914 East Callender  
Livingston, MT 59047

Matt Henry  
412 South 13th  
Livingston, MT 59047

Caren Cooper  
411 South Yellowstone  
Livingston, MT 59047

Tim Stevens  
315 North Third  
Livingston, MT 59047

Mike Doyle  
601 East Geysler  
Livingston, MT 59047

Re: Request for Qualifications

Urban Design & Integrated Capital Improvements Plan

Everyone:

I have reviewed the above request, and have several thoughts I would like to share with you.

The improvements plan is great in concept, and if completed and enforced would accomplish one of the following:

- Be a justification for the systematic destruction of this community.
- Exert very positive influence upon the livability of this community.

Let me deal with the first possibility. In my opinion, the recent "improvements" completed at the south side of town near Interstate 90 are an excellent example of what this plan may further justify - creation of public ways that suit only the demands of MDT, express its arrogant ignorance of anything not moving swiftly on four or more wheels, and result from its financial power and unbelievable lack of design capability. I could of course continue, but if anyone fails to get my point, I suggest they deposit either a small child or grandmother at MacDonald's and then suggest a walk to Albertson's.

Further evidence of this possibility can be found in the recently completed Transportation Plan. I have not reviewed this plan, but I can observe that it was paid for by MDT, completed by a consultant accustomed to producing what MDT needs, and is already being used to justify a particularly narrow view of what is important to this community.

Vicki Blakely, Caren Cooper, Mike Doyle, Matt Henry, Tim Stevens  
 February 21, 2001  
 Page two

There is nothing of equal weight in the hands of the city to counterbalance this, nor to counterbalance other development forces equally hostile to our future. That is why I think an Urban Design & Integrated Capital Improvements Plan can bring us to the second possibility; but I am very concerned that we will not get this result. I think we have a better chance of doing so if some of the following happen:

1. The consultant selected is one who is knowledgeable in community livability issues, has aesthetic sensibilities, and realizes our public amenities must reflect the needs of people, not machines.
2. The consultant can produce graphic material that effectively illustrates the choices for the community.
3. The consultant can convincingly connect livability with economic value.
4. The consultant can speak to the community in an understandable manner, to which they can effectively respond.
5. The consultant can actually write policies and/or regulations that are clear and enforceable, and that produce the desired results.
6. The results are given equal or greater weight in decision making than other documents of a less comprehensive nature.
7. The results are used, politically supported, administratively supported and monitored.

I saw nothing in the RFQ that indicated who was in control of the selection and direction of the consultant. Whoever this may be, they must:

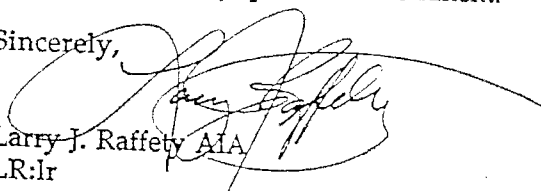
- a. Be able to truly assess the consultant's ability to produce what is desired.
- b. Be able to effectively gauge the consultant's progress and results.
- c. Believe deeply in community livability issues.
- d. Be prepared to abandon the effort, or start over again, until a consultant able to produce what is outlined above can be found.

Dan Burton's recent presentation hopefully helped illustrate these issues to some in Livingston. I wish you every success in obtaining a consultant and a product that can influence the future of this community in a similar direction.

Thank you very much for your time, and for your efforts as our city's elected officials.

Please call with any question or comment.

Sincerely,

  
 Larry J. Rafferty AIA  
 LR:lr

city010221u plan-cou



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## MONTANA DEPARTMENT OF COMMERCE

Local Government Assistance Division  
Local Government Services-Audit Review Program

Federal Building 301 South Park Avenue Room 340  
PO Box 200547  
Helena, MT 59620-0547

Phone: (406) 841-2909

FAX: (406) 841-2910

TDD: (406) 444-2978

February 22, 2001

City Manager and City Commission  
City of Livingston  
414 East Callender  
Livingston, MT 59047

Dear City Manager and Commissioners:

Thank you for notifying us of the actions the City has taken, and will be taking, regarding the findings and recommendations contained in the audit report of the City of Livingston for the fiscal year ended June 30, 2000. The audit was conducted by Olness & Associates, PC. Your response was included in the audit report itself, on page 23.

Pursuant to Section 2-7-515, MCA, we have reviewed your response to the findings and recommendations and are notifying you of our acceptance of this response and your proposed corrective actions.

Sincerely,

A handwritten signature in cursive script that reads "Kim Smith".

KIMBERLY KUHR SMITH, CPA  
Audit Quality Control Reviewer

Planning Department Monthly Report  
January/February 2001

Zoning

- Board of Adjustment – 1-9-01: Morse Flood Plane variance; approved by Board, no Commission action required. 2-13-01: Two variances (Caldwell, Powell); Approved by Commission on 2-20.
- Planning Board – No City zoning activity.

Planning Board

- City Subdivisions – None
- Growth Policy – No additional work. On hold.
- 1-23-01: No formal City business. Discussed Urban Design Integrated Capital Improvements selection process. 2-26-01: No City business. 2-21 Special Meeting: Discussed city infrastructure plans and processes. This meeting was called due to concerns from the board regarding extending sewer and water to subdivisions close to, but outside the City limits.

DRC

- Review – Potential subdivision of Church of God site at 8<sup>th</sup> & Geysler
- Preliminary meeting with Chairman re: Draft Groundwater Assessment

Building Dept.

- Reports – Issued commission and finance report for January.
- Issues –

Other

- Writing RFP for 5<sup>th</sup> & Park
- Infrastructure - Meeting 1-31
- Historic Preservation - Drafting Letters to applicants & preparing for orientation.
- TCC meeting (2-13)
- Mailing & Legal for Board of Adjustment (Jan & Feb Meeting)
- River Task Force - Socioeconomic consultant interviews (2/16)

## City of Livingston



Incorporated 1839

Chairwoman  
Caron Cooper

City Commissioners  
Tim Stevens, Vice Chairman  
Mike Doyle  
Vicki Blakeman  
Matt Henry

City Manager  
Steve Golnar

(406) 222-2005 phone  
(406) 222-6823 fax  
ci.livingston.mt.us

February 23, 2001

Christiane Sikora  
Rocky Mountain Development  
Council  
P.O. Box 1717  
Helena, MT 59624

Dear Ms. Sikora,

I'm writing on behalf of the City of Livingston to voice the City's support for continued financial assistance from Area IV Agency on Aging to the Angel Line van which transports Park County's senior and disabled citizens in the Livingston area. This service has proven to be a very useful service to our community and City residents continue to fund the majority of the service through a countywide mill levy. With anticipated growth taking place in our senior population, the demand for this service can only increase in our community. Thank you for your previous help and please consider continuing it.

Sincerely,

Steve Golnar  
City Manager

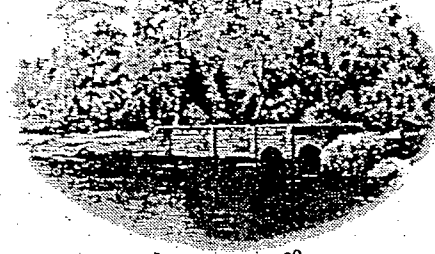
cc: City Commissioners  
County Commissioners  
Barb Vandervort, Executive Director of the Angel Line Van Service

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City Manager  
Steve Golnar

(406) 222-2005 phone  
(406) 222-6823 fax  
ci.livingston.mt.us

City of Livingston



Incorporated 1889

Chairwoman  
Caron Cooper

City Commissioners  
Tim Stevens, Vice Chairman  
Mike Doyle  
Vicki Blakeman  
Matt Henry

February 23, 2001

Christiane Sikora  
Area IV Agency on Aging  
P.O. Box 1717  
Helena, MT 59624

Dear Ms. Sikora,

I am writing in behalf of the City of Livingston in support of the Homemaker Program to the elderly of Park County. This program has been provided for the last 22 years in Park County and has been vitally important to those who are benefited by it.

Our population contains a high percentage of at risk elderly who need assistance because they live alone, are over 60, no longer drive or have one or more debilitating diseases. This essential program provides a very important service to these individuals enabling them to live in their homes and enjoy a high level of independence. Last year, the Homemaker Program served 50 clients for a total of 1,742 ½ hours. Thus far, 49 clients have been serviced for a total of 1,285 ½ hours. Program participants range in age from 60 years of age to the oldest of 96 years of age. 54% of the clients are over the age of 80.

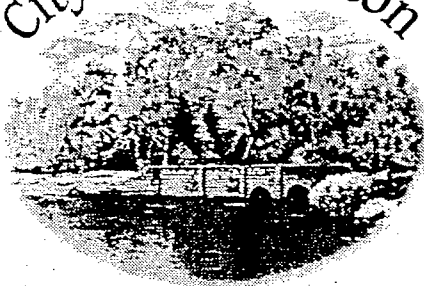
The City of Livingston urges you to grant approval of Park County Health Department's funding request for the Homemaker Program once again.

Sincerely,

*Steve Golnar*  
Steve Golnar  
City Manager *by Joanne Brown*

cc: City Commission  
City Attorney, Bruce Becker  
Suzanne Brown, RN

# City of Livingston



Incorporated 1889

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City Manager  
Steve Golnar

(406) 222-2005 phone  
(406) 222-6823 fax  
ci.livingston.mt.us

Chairwoman  
Caron Cooper

City Commissioners  
Tim Stevens, Vice Chairman  
Mike Doyle  
Vicki Blakeman  
Matt Henry

February 26, 2001

Rachella Devine  
87 Elkridge Road  
Livingston, MT 59047

Dear Rachella,

I am writing to let you know that a portion of the picture you painted last year for the City's first Summerfest, was recently incorporated onto the City of Livingston's new letterhead. This picture represents the center of our city and I feel it was appropriate to place on the City's letterhead as it was designed by one of our local artists. Thank you.

Sincerely,

Julianne Brown  
City of Livingston

cc: Steve Golnar, City Manager  
City Commission



TO: Julie Brown

FROM: Police Union President Tom Totland

DATE: Thursday March 1, 2001

RE: City Counsel Agenda

I am requesting that I be placed on the agenda for Monday March 5, 2001 to speak. I will be speaking for the Police Union. Thank you very much for your time.

Thomas A. Totland

A handwritten signature in black ink, appearing to read 'Tom Totland', written over a horizontal line.

LIVINGSTON  
CITY COMMISSION MEETING

March 5, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, March 5, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, Matt Henry and Tim Stevens.

Motion was made by Doyle, second by Blakeman, to approve the following consent items:

- February 5, 2001 regular City Commission meeting minutes.
- Bills and claims in the amount of \$39,408.84.

All in favor. Motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3159, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 2 FOR THE SEWER MAIN REPLACEMENT PROJECT BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREET FROM LEWIS TO GEYSER STREET. Background history of this project was summarized by City Manager Steve Golnar.

All in favor. Motion passed.

Tom Totland, President of the Livingston Police Department Employees Association addressed the City Commission with a written statement concerning employee moral and status of Union negotiations.

Chairwoman Cooper asked City Manager Golnar to explain the schedule for negotiations. Discussion took place about having a Commissioner or two present during the next negotiation meeting. It was decided that Blakeman and Cooper could make the next meeting on March 13<sup>th</sup> at 10:00 a.m.

Commissioner Henry stated that he would like to be apprised to the union negotiation schedules in the future.

Further discussion was heard on the upcoming re-draft of the City of Livingston Source Water Protection Plan and Overlay Zone, with City Manager Golnar explaining that extra sheets that were provided in the Commission's boxes, were the other side of a two sided original.

Mr. Golnar will contact the State to see when the City can obtain a map of the BN plume buffer zone.

Chairwoman Cooper stated that she would like to see comments from staff.

The Commission would like the City Manager to set up a worksession on an off Monday with Mr. Meeks of DEQ for more direction.

No action was taken.

Motion was made by Stevens, second by Blakeman, to approve the Chamber of Commerce per their proposal as the Certified Communities Program lead organization.

Chairwoman Cooper provided the results of the County Commissioner's meeting earlier in the day, with the Chamber being voted as the lead organization through the County.

Other comments were heard from members of the Commission.

Four in favor. Doyle opposed. Motion passed.

Three audit proposals for June 20, 2001-2003 were received and were as follows:

	FY 01	FY 02	FY 03
Bob Dellinger CPA – Manhattan Montana	\$11,900	\$11,900	\$11,900
Knaub & Company PC – Bozeman Montana	\$12,395	\$12,395	\$12,395
Olness & Associates PC CPA – Billings Montana	\$12,500	\$12,500	\$12,500

Discussion was heard among the Commission.

Motion was made by Doyle, second by Stevens, to accept the proposal from Olness and Associates of Billings, based upon the Manager's recommendation which took into consideration experience, and skill of the consulting firm's audit teams.

All in favor. Motion passed.

Motion was made by Doyle, second by Henry, to approve final payment for sewer main replacement located between 10<sup>th</sup> and 11<sup>th</sup> Streets from Lewis to Geyser Streets in the amount of \$5,723.36 to O'Hara Excavation.

All in favor. Motion passed.

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

- Response to Thomas Burns' proposal to trade some land in exchange for elimination of past and future assessments. Mr. Golnar stated that he provided Mr. Burns with a reply letter today.
- Draft Transportation Coordinating Committee meeting minutes.
- Review statements and qualifications for Urban Design and Integrated Capital Improvements Plan. The Commission will meet with staff and Mr. Raffety on March 15<sup>th</sup>, 6:30 p.m. with public notice going to the paper.
- State accepts June 30, 2000 audit report and City responses for proposed corrective action.
- Planning Department month report for January and February 2001.
- City submits letters of support for Homemaker Program and Angel Line.
- City letterhead revised.

- The City Manager will be updating a public notice and providing a proposed list of possible CTEP projects for public and Commission comment and review at a future meeting.
- Calendar of events and activities:
  - Mar 5<sup>th</sup> 6:00 p.m. – Livingston Ditch Workshop
  - Mar 5<sup>th</sup> 7:30 p.m. – City Commission Meeting
  - Mar 7<sup>th</sup> 4:00 p.m. – Joint City/County Meeting
  - Mar 8<sup>th</sup> 8:30 a.m. – Livingston Emergency Planning Committee
  - Mar 8 & 9 Montana Economic Developers Association and Montana Certified Communities Statewide Spring Conference; Helena (agenda provided in item 8.B.)
  - Mar 13<sup>th</sup> 11:00 a.m. – Airport Board
  - Mar 13<sup>th</sup> 7:30 p.m. – Board of Adjustments Public Hearing, Yellowstone Inn
  - Mar 19<sup>th</sup> 7:30 p.m. – City Commission Meeting
  - Apr 2<sup>nd</sup> 7:30 p.m. – City Commission Meeting
  - Apr 5<sup>th</sup> 8:30 a.m. – Community Transportation Program Workshop (City Manager – Billings)
  - Apr 10 & 11 Certified Communities Lead Development Organization and Economic Development Professionals Training; Billings
- Meetings to be scheduled:
  - ~ Mayor's Landing Workshop.
  - ~ Meeting with Dr. Healow and Montana Marginal Energy. Discussion was heard on wind energy. The Commission told Mr. Golnar that they would like to have this as an agendaed item at a Commission meeting, with more than one presenter talk about wind energy. Mr. Golnar is to contact Mr. Corki Britton of Mission Creek along with Dr. Healow. Mr. Golnar stated that a title search has not been done at this time on the Wind Farm Property.

City Manager Golnar stated that there is a provision in the current Police Chief job description that would limit the pool of eligible applicants for Police Chief to MT P.O.S.T. certified candidates, which would effectively limit candidates to in state. He would like to advertise nationwide and suggested a change to the job description which would allow this. The Commission directed Mr. Golnar to go ahead and advertise the job opening announcement and asked that an amended Police Chief job description resolution will come before the Commission at their next meeting.

Chairwoman Cooper questioned the status of the Historic Preservation Officer. City Planner Jim Woodhull and City Manager Golnar explained. The Commission also inquired about the grant that allowed for this part time position. Members of the Commission stated that they find the process of hiring a Historic Preservation Officer disappointing and would like staff to move forward with filling this position as it does not look good for the City.

Commissioner Blakeman stated that there was a nice article in the Bozeman Chronicle written by the Police Chief in Bozeman. Ms. Blakeman stated that it would be good PR for the City if someone would write articles for the Livingston newspaper.

Commissioner Henry commented on staff articles that was brought up by Ms. Blakeman. Mr. Henry also questioned the City Manager as to when he was going to schedule a goals workshop with the Commission per his evaluation last year. This workshop was scheduled for April 9<sup>th</sup> at 7:00 p.m.

Commissioner Doyle updated the Commission on the status of the Skate Park and that the project will be starting soon.

Commissioner Stevens comments:

- Updated the Commission on Representative Lee's bill pertaining to sidewalks in street maintenance districts. This bill failed.
- Asked about the Brownsfield Grant. Mr. Golnar stated that the City should hear back around the 1<sup>st</sup> of April.
- Commented on the Growth Policy in the Planner's Report. Wanted to know why it was on hold when it was due in January. Planner Woodhull stated that the Planning Board put the policy on hold to wait and see what happens with the Urban Design and Integrated Capital Improvement Plan.

Chairwoman Cooper stated that there is a blood drive this Thursday.

Laurie Bishop addressed the City Commission to thank them for approving the lead organization to the Chamber and responded to comments made by Commissioner Doyle.

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

The time was 8:57 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

1

March 19, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, March 19, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Tim Stevens, Mike Doyle, Caron Cooper, Vicki Blakeman, and Matt Henry.

Motion was made by Henry, second by Stevens, to approve the following consent items:

- Approve March 5, 2001 regular City Commission meeting minutes.
- Accept the bills and claims in the amount of \$50,978.65.
- Department Head monthly reports and other minutes.
- Authorize Homecoming Parade for September 28, 2001 as requested by the Activities Director from Park High School. Commissioner Henry commented that he was glad to see this approved and that anything that builds school support, he supports.

All in favor. Motion passed.

Chairwoman Cooper proclaimed the Month of March as Diabetes Alert Month in the City of Livingston.

Chairwoman Cooper proclaimed April 27, 2001 as Arbor Day in the City of Livingston.

With the consent of the Commission, Chairwoman Cooper diverted from the regular agenda to City Manager Comments item #1 regarding a complaint of a house that has been under construction for some time on Lot 14, Highground Subdivision. City Manager Golnar summarized the status and concerns relating to this property. The property has been posted at this time with a "Notice of Violation, Stop Work Order, and Revocation of Building Permit". One of the problems with this property is that the City has not been able to contact the property owner, as no one is sure where they are living at this time. The Police Department has been given a notice to serve the property owner if they are in town. Ms. Cooper suggested a electronic search, with Commissioner Henry stating that every effort needs to be undertaken to find this person. Comments heard relating to the property were Don Devine, Ed Carrell, and Rich Daem. Also three letters of concern were received at the City.

City Attorney Bruce Becker answered legal questions that were asked by the Commission.

City Planner Jim Woodhull gave background information relating to a variance request by Yellowstone Inn and Convention Center, 1515 W. Park Street. They wish to continue to use the two existing freestanding signs on their property. The

City's sign code allows only one freestanding sign per commercial property and recognizes the existing situation as grand fathered. This variance is being requested in order to allow them to change the face on one of the signs without having to remove the other. If allowed the use of two signs, the applicant will lower the existing seventy-foot tall sign to thirty feet.

Discussion was heard by the Commission.

Motion was made by Doyle, second by Blakeman, to approve the finding of fact and amending #4, yes, to no. All in favor. Motion passed.

Mr. Henry Gehl, Manager to the Yellowstone Inn and Convention Center, addressed the Commission on behalf of this request.

Motion was made by Doyle, second by Stevens, to deny the variance request. Four in favor. Henry opposed. Motion passed.

Motion was made by Henry, to allow YI & CC an extension to the deadline, allowing them to maintain their signs until the franchise has gone through. Motion died due to lack of a second.

Motion was made by Henry, second by Blakeman, to allow them a 90 day extension for the continuation of maintaining the 2 covered signs on their property. Discussion was heard by staff and the Commission, that by denying the variance request, they were still under the grand father clause and did not need a motion to allow a 90 day extension. The motion and second was withdrawn.

City Planner Woodhull commented on the letter of extension for the Commission. Commissioner Henry requested to see the letter of extension since it was not in the packet.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3160, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING POSITION DESCRIPTION FOR CHIEF OF POLICE.

All in favor. Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3161, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH OLNESS & ASSOCIATIONS, P.C., TO PERFORM THE ANNUAL AUDIT FOR FISCAL YEARS 2000-2001, 2001-2002 AND 2002-2003.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3162, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE LIVINGSTON AREA CHAMBER OF COMMERCE AS THE LEAD ORGANIZATION FOR THE MONTANA DEPARTMENT OF COMMERCE'S CERTIFIED COMMUNITIES PROGRAM. Commissioner Doyle stated that he holds no malice against the Chamber of Commerce.

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

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3163, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PERFORM

VARIOUS FEDERAL GRANT-RELATED ACTIVITIES TO IMPROVE MONTANA'S EMERGENCY MEDICAL SERVICES FOR CHILDREN AND TO CONDUCT, PURCHASE AND DISTRIBUTE BIKE HELMETS AS A PORTION OF THE MONTANA ENDORSEMENT FOR ENFORCEMENT AND BIKE SAFETY INJURY PREVENTION CAMPAIGN.

EMS Director Bob Brown explained the grant to the Commission. He also stated that grant cover's the installation of infant car seats and the purchase of car seats themselves.

All in favor. Motion passed.

Commissioner Henry will be the Commission appointee to the Police Chief selection process. Commissioner Doyle will be the alternate.

Commissioner Stevens stated that he would be interested in the Yellowstone River Conservation District Council Advisory Committee but cannot make that commitment at this time. City Manager Golnar was asked to bring answers back to the next meeting that were asked by the Commission.

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

- Nicole McClain has been offered the Historic Preservation Officer's position. Final details are being worked out.
- Source Water Protection Ordinance Status. A work shop with Mr. Meek with DEQ will be held on Tuesday, April 10<sup>th</sup> at 7:00 p.m.
- Law Suits Filed:
  - Mr. Hicks and Mr. Burns relating to street maintenance taxes.
  - Mr. Clyde Allen Kirby filed a notice of claim and intent.
- Goose Round Up additional suggestions from the US Dept. of Agricultural – Wildlife Services. City Manager Golnar will bring a time line and recommendations to the next meeting.
- Public Relations – monthly articles on City happenings. Julie and Steve will be coordinating these articles.
- Dispatcher Kessler receives Letter of Commendation for work related to saddle and vehicle thefts.
- Livingston Ditch meeting follow up.
- Wind Energy Forum is scheduled for April 23<sup>rd</sup> at 7:00 p.m.
- CTEP allocations announced. Mr. Golnar explained how people can know what money is out there for projects. Mr. Golnar will confirm when the deadline is in May. A number of other questions were asked by the Commission with Mr. Golnar stating that he will have an update at the next meeting and that this item will also be on the joint City/County agenda.
- Calendar of activities and events:
 

March 19 <sup>th</sup>	7:30 p.m.	City Commission Meeting
March 22 <sup>nd</sup>	3:00 p.m.	Communications Advisory Committee
March 29 <sup>th</sup>	6:30 p.m.	Urban Design Plan Selection Meeting
April 2 <sup>nd</sup>	7:30 p.m.	City Commission Meeting
April 5 <sup>th</sup>		Community Transportation Program Workshop – City Manager; Billings



April 9 <sup>th</sup>	7:00 p.m.	Goals Workshop
April 10 <sup>th</sup>	7:00 p.m.	Source Water Protection Workshop
April 10 <sup>th</sup> & 11 <sup>th</sup>		Certified Communities Lead Development Organization and Economic Development Professional Training – Billings
April 16 <sup>th</sup>	7:30 p.m.	City Commission Meeting
April 23 <sup>rd</sup>	7:00 p.m.	Wind Energy Workshop

Commissioner Stevens stated that he attended the 2<sup>nd</sup> day of the Certified Communities Seminar. He picked up a packet of information and will give it to the City Manager. Mr. Stevens stated that a group was formed to fund a start up company and the 1<sup>st</sup> project was picked.

Chairwoman Cooper Comments:

- Attended a union negotiations meeting. Asked the City Manager to inform the Commission on who sets up the next meeting and who is going to make proposals.
- Received a call from Mr. Nedens on the North side hill relating to his dust problems. Ms. Cooper questioned the status of the SID that was undertaken and what the Street Departments plans were this upcoming year.

Mr. Golnar replied that a drainage study needed to done on the North side hill if it was to be paved.

Mr. Golnar will call Mr. Nedens.

- Received a call from an older lady who was pleased with the Fire Department for their Senior Assistance Program. Ms. Cooper commented that this would be a great story for the monthly newsletter. She also mentioned that this program received a Red Cross award last year.

Juanita Fatouros asked for clarification of the sign ordinance.

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

The time was 8:59 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

April 2, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 2, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Caron Cooper, Vicki Blakeman, Matt Henry, Tim Stevens, and Mike Doyle.

Motion was made by Doyle, second by Henry, to approve the only consent item, bills and claims in the amount of \$61,787.42. All in favor. Motion passed.

A follow up of the Yellowstone River Conservation District Council Advisory Committee was included for the Commission's information. Commissioner Stevens would like the City Manager to ask if a staff member is interested in being on this advisory committee as he is not able to make the commitment.

Commissioner Doyle updated the Commission on the recent Skate Park meeting. Mr. Doyle stated that staff would be working on the groundwork at the proposed site within the next week, so that the contractor is ready to apply the asphalt everything is ready.

Commissioner Stevens' comments:

- Commented that the new Detention Committee is now in place. There will be a meeting tomorrow at 5:30 p.m. Mr. Stevens will keep the Commission updated.
- Stated that he will be out of town during the next meeting.

Commissioner Blakeman's comments:

- Updated the Commission on the Communications Advisory Committee meeting that was held on March 22<sup>nd</sup>. Stated that the Dispatch remodel was completed and that the Dispatcher's are being trained on the new software.  
Acting Police Chief Darren Raney stated that everyone is still getting used to the new system.  
Ms. Blakeman stated that the Communications Advisory Committee will blend with the 911 Committee.
- Stated that she has received a numbers of calls about the geese situation in Sacajawea Park and that 3 of the calls were in favor of allowing the dogs back in the park.
- Asked Acting City Manager Ken Kastelitz to follow up on why all the pickets are not up at the playground.

Commissioner Henry commented that the Detention Committee meetings should be made as public as possible, i.e. press releases, etc.

Chairwoman Cooper's comments:

- Asked Supt. of Public Utilities Clint Tinsley for an update on the paving.
- Would like a worksession on solid waste and automated garbage system soon.
- Questioned the parking pardons (courtesy tickets) for people without 49 plates. Commissioner Blakeman will bring this item to the next Parking Task Force meeting.
- Commented on CTEP funds. She suggested that one of the options be not to commit funds this year, in order to hold off until the Integrated Capital Improvement Project provides possible projects. Ms. Cooper said she would discuss this option further at the appropriate time.
- Commented that there is still trash by the tennis courts from when the playground was constructed. Commissioner Stevens stated that the barrel is stain varnish to be used when the rest of the pickets are put into place.

No public comments were heard.

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

The time was 7:43 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

April 16, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 16, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioner's present were Mike Doyle, Caron Cooper, Vicki Blakeman, and Matt Henry. Commissioner Tim Stevens was absent.

Motion was made by Blakeman, second by Henry, to approve the following consent items:

- Approve March 19, 2001 regular City Commission minutes.
- Approve April 2, 2001 regular City Commission minutes.
- Accept bills and claims in the amount of \$123,434.82.
- Reappointment Julianne Brown to another 3 year term on the Park County Health Board.
- Department Head monthly reports and other minutes.

All in favor. Motion passed.

City Planner Jim Woodhull gave background information on a variance from the side setback requirements for RII zoning districts requested by Denise Helin of 319 S. 9<sup>th</sup>. Ms. Helin wishes to construct an addition onto her home, which like the existing structure, would be approximately four feet from the side property line. Code requires a five-foot side setback. The City Board of Adjustment recommends approval.

Motion was made by Blakeman, second by Doyle, to approve the finding of fact. All in favor. Motion passed.

Motion was made by Henry, second by Doyle, to approve this variance request. All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3164, 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. Finance Officer Shirley Ewan responded to Commissioner Blakeman who asked for further clarification.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3165, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH NICOLE MCCLAIN FOR LEASE OF EQUIPMENT AND SHARING OF OFFICE EXPENSES.

City Manager Golnar confirmed that this agreement was in lieu of health insurance. Chairwoman Cooper stated that it was not in the agreement as being in lieu of health insurance.

Ms. Cooper also voiced her concern on this agreement, that a provision for office rental was not a part of the position package advertised.

Commissioner Henry questioned if there were any other situations like this one with other City Employees. Mr. Golnar stated there were not.

Ms. Cooper questioned Planner Woodhull if this position was available for grant funding for another year, and when is the due date for the grant if so. Mr. Woodhull stated that the grant application is due by the end of May and that all indications are that it will be for the same amount.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3166, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CHANGE ORDER NO. 4 WITH BAINTER CONSTRUCTION FOR THE STREET RECONSTRUCTION PROJECT FOR 6<sup>TH</sup>, 7<sup>TH</sup>, 8<sup>TH</sup>, 9<sup>TH</sup> AND CALLENDER STREETS AND SKATE PARK PROJECT.

Chairwoman Cooper requested an updated budget to this project.

City Manager Golnar confirmed to Commissioner Henry that he is the one who requested the change orders. Mr. Henry stated that he does not like the way the City has done business on this project.

Commissioner Doyle summarized the changes that have been made to the Skate Park project over time. Mr. Doyle also explained what was planned for the Skate Park in the next couple of weeks.

Three in favor. Henry opposed. Motion passed.

Motion was made by Doyle, second by Henry, to allow the Downtown Hoedown on June 30, 2001 from 4:00 p.m. to 11:00 p.m. contingent on the Sanitarians request that the Livingston Roundup Association provide porta potties in the event area.

All in favor. Motion passed.

Supt. of Public Utilities Clint Tinsley provided the City Commission with 3 options for a proposed sewer rate increase discussion.

Commissioner Henry requested that Mr. Tinsley provide the Commission in the next couple weeks with total monthly revenues divided by gallons of sewage to equal the rate of sewage generated to the same amount of income for everyone. During the meeting, a calculation was made that this would be 3% less than the \$4.224 per thousand gallons charged now, but Mr. Tinsley will double check the figures.

Mr. Henry stated that he would like to wait until the next meeting to decide which option to go with.

Motion was made by Doyle, second by Blakeman, to approve option 1 as laid out by Mr. Tinsley and direct the City Manager to have a Resolution of Intent prepared for the next meeting.

Three in favor. Henry opposed. Motion passed.

Motion was made by Doyle, second by Blakeman, to set a public hearing regarding the use of CTEP funds allocated to the City of Livingston for May 7, 2001 at 7:30 p.m.

All in favor. Motion passed.

City Commission and City Manager discussion was heard regarding a letter from the majority of the Insurance Committee members to no longer serve on this committee.

Chairwoman Cooper requested a proposal regarding this committee for the next meeting.

No other action was taken.

Motion was made by Henry, second by Doyle, to approve the donation of some unclaimed bikes to the Youth Dynamics organization as the Police Chief sees fit.

All in favor. Motion passed.

Commissioner Doyle requested that discussion of a proposed sidewalk plan and implementation of such a plan be put off until the next meeting.

Motion was made by Blakeman, second by Doyle, to authorize the City Manager to sign a letter to the Department of Environmental Quality regarding the status of Record of Decision for the Burlington Northern Rail Yard.

All in favor. Motion passed.

Motion was made by Henry, second by Blakeman, to accept the invitation to serve as a host community for the Salt Lake 2002 Olympic Torch Relay.

All in favor. Motion passed.

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

- Goose removal from Sacajawea Park. Mr. Hoover will be in Livingston in May and the goose roundup is scheduled for the 3<sup>rd</sup> week in June.
- Improve public relations. Julie will coordinate staff articles for publication in the newspapers.
- Dispatch remodel and computer software project update. Mr. Golnar stated that the project is still under budget.
- Natural Resource damages. Preliminary information was provided summarizing the natural resource damages process, which relate to the BN clean up project.
- Livingston City Pool Renovations. The State has approved the filtration system. Supt. of Public Services Ken Kastelitz responded to Mr. Henry that an inventory of any other needs to the swimming pool have been taken care of.
- Additional project notes;
  - The Bike/Pedestrian path has been closed out by the State. Total reimbursement to the City was \$199,740.68.
  - Regarding the request for Brownsfield assistance for Mayor's Landing, EPA is still in the process of considering proposals and hopes to announce awards by the 25<sup>th</sup> of April, 2001.
- Sense of Community Advisory Group. Both the Fire Chief and City Manager have been involved in the creation of this group and anticipate continued involvement toward a youth center.

- Staff participation in Yellowstone River Conservation District Council. There were no staff volunteers. The Upper Yellowstone River Task Force will be an ad hock member of the Council and should represent the area.
- Aids Vaccine Ride special event request. This will come before the Commission at their next meeting.
- Workshops and follow up:
  - Source Water Protection.
  - Cemetery Well Plan.
  - Economic Development Transition Coordination.
  - Urban Design Plan RFQ's. This meeting has been rescheduled to April 25<sup>th</sup> at 4:00 p.m.
  - Wind Energy Workshop is scheduled for April 23<sup>rd</sup> at 7:00 p.m.
  - Mayor's Landing Task Force workshop is scheduled for April 26<sup>th</sup> at 6:30 p.m. It was noted the Yellowstone River Task Force meets at 7:00 p.m. on this same day. Mr. Golnar will seek to reschedule.
  - Solid Waste/Automated Garbage Workshop is scheduled for May 14<sup>th</sup> at 7:00 p.m.
- Pending Items:
  - Status of why all pickets are not up at the playground.
  - Status of complaint follow up at lot 14 in the Highground Subdivision.
  - Police Chief Search status.
  - Livingston Ditch follow up on culvert.
  - Follow up with Harry Nedens on dust and SID.
- Calendar of Events:
 

April 16 <sup>th</sup>	Noon	Olympic Torch Run Organizational Meeting
April 16 <sup>th</sup>	7:30 p.m.	City Commission Meeting
April 17 <sup>th</sup>	10:30 a.m.	Police Mediation #2
April 23 <sup>rd</sup>	7:00 p.m.	Wind Energy Workshop
April 25 <sup>th</sup>	5:00 p.m.	City Commission Priorities Deadline for goals, pending tasks and City Manager evaluation issues
April 25 <sup>th</sup>	4:00 p.m.	Urban Design Plan Workshop
April 26 <sup>th</sup>	6:30 p.m.	Mayor's Landing Workshop
April 27 <sup>th</sup>	4:00 p.m.	Arbor Day Celebration. Planting of a tree in honor of Bernice McGee in Sacajawea Park. Commission is invited to attend
April 30 <sup>th</sup>	7:00 p.m.	Goal's Work Shop #2
May 2 <sup>nd</sup>	4:45 p.m.	Deadline for CTEP Project Proposals
May 7 <sup>th</sup>	7:30 p.m.	City Commission Meeting
May 14 <sup>th</sup>	7:00 p.m.	Solid Waste Automation Workshop
May 16 <sup>th</sup> - 19 <sup>th</sup>		Skill Building for Stronger Communities. (The Manager would like to attend)

Commissioner Doyle comments:

- Received a call from a gentleman last week regarding the abandonment of a road on the Northside of town.
- Received a number of complaints who would like to know the laws regarding the Pastime Bar, as it is becoming a biker bar and the people

who live in the apartments downtown are being bothered by the bikers in the early morning hours as they rev up their motorcycles.

Commissioner Blakeman comments on the pickets at the playground. Ms. Blakeman stated that the Jaycee's plan on having the playground completed by the time school adjourns at the end of May.

Commissioner Henry asked for input from the other Commissioners that the City Manager present the Source Water Protection at the next meeting. This will be an action item.

Chairwoman Cooper comments:

- Commented on the great Easter Egg Hunt sponsored by the City's Firefighter's and that it is a great community event.
- Commented that Doug Lobaugh wrote a good article on the Easter Egg event in the Park County Weekly. It was very positive.
- Commented that the Civic Center and other governmental agencies qualify for the Bricks and Mortar Program.
- Appreciated the calendar in the packet.

Pamela Miller, the field representative for the Public Works Union addressed the City Commission relating to the lack of progress in settling the union negotiation.

Robert Ebinger addressed the City Commission to say that 3 applications were received for the Bricks and Mortar Program and that this will be discussed at the Historic Preservation Meeting tomorrow at 3:00 p.m.

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

The time was 9:31 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

May 7, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, May 7, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Vicki Blakeman, Matt Henry, Tim Stevens, Mike Doyle, and Caron Cooper.

Motion was made by Stevens, second by Doyle, to approve the following consent items:

- Approve April 16, 2001 regular City Commission minutes
- Accept bills and claims in the amount of \$232,150.41. Commissioner Henry questioned the claim for the Skate Park and how the price has gone up from the original proposal. City Manager Golnar responded.
- Montana Aids Vaccine Ride; August 2-4, 2001. A number of questions were asked by the Commission regarding a camping plan, shower, bathroom facilities, and the completeness of staff review and approvals, of the proposed special event.
- Accept bid recommendations for 2001 street material.
- Reappointment of Dave Pettit to Police Commission for 3-year term ending May 2004. Mr. Henry questioned if this position was advertised. Mr. Golnar stated that Mr. Pettit was interested in the reappointment, and the City would only go out for advertisement if a current Police Commissioner was not interested in reappointment, or if there was a reason to seek a new commissioner.

An amendment to the motion was made by Henry, second by Stevens, to table consent item #C until the next meeting so that more information can be obtained. All in favor of the amendment. Amendment passed.

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

At this time Chairwoman Cooper and City Manager Golnar introduced Nicole McClain to the Commission as the new Historic Preservation Officer. Ms. McClain was invited to the Urban Plan Review meeting on May 24<sup>th</sup> at 4:00 p.m.

Chairwoman Cooper proclaimed the Week of May 6, 2001 as Youth Week in the City of Livingston.

Chairwoman Cooper proclaimed May 20<sup>th</sup> - 26<sup>th</sup>, 2001 as Emergency Medical Services Week in the City of Livingston.

A public hearing was held on the use of CTEP funds allocated to the City of Livingston. City Manager Golnar gave background information and one proposal was received by the Depot Foundation.

Diana Seider, Director of the Depot Foundation, presented the proposal to the City Commission.

Depot Board members John Fryer and Bob Ebinger also commented in favor of the Depot's proposal for CTEP Funding. Gordon Britton spoke in favor of the project.

Other discussion heard was whether the City can bank the CTEP funds for other projects. City Manager confirmed that the City could accumulate allocated funds for up to three years.

Commissioner Stevens questioned if the Civic Center was eligible for these funds. Mr. Golnar stated that it might possibly be eligible and will follow up and report back to the Commission.

The City Commission will make their decision at the next City Commission meeting.

Motion was made by Stevens, second by Doyle, to approve Resolution No. 3150, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE SEWER RATES FOR ITS SEWER CUSTOMERS THAT USE 3,000, 4,000, AND 5,000 GALLONS OF WATER PER MONTH. City Manager Golnar made a change to the title and in the text to read 0-3,000 gallons.

Commissioner Henry questioned if the Sewer Department needed an increase and if the City was competitive to other towns with its rates. Supt. of Public Utilities Clint Tinsley confirmed that the Sewer Department did need the increase and stated that Livingston's rates are slightly less even with the proposed 3% increase. Mr. Tinsley stated that the City is below the average on charging for sewer and that one-fourth of the income received goes back into repairs or maintenance of our sewer system and plant.

All in favor. Motion passed.

Motion was made by Henry, second by Doyle, to approve Resolution No. 3167, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO COMMUNITY FORESTRY PROGRAM SUB GRANT WITH THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3168, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO COMPUTER SUPPORT AGREEMENT WITH COMPUTER CARE TECHNOLOGY FOR POLICE COMPUTER.

An amendment to the motion was made by Doyle, second by Henry, to amend the forth whereas to read, " the retainer is to be shared equally between the Park County Sheriff's office and the City's Police Department, with each contributing the sum of \$750.00."

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

Motion was made by Henry, second by Stevens, to approve Resolution No. 3169, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SUPPORTING REALLOCATION OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT #01-11(A) TO THE MONTANA SIXTH JUDICIAL DISTRICT COURT, PARK COUNTY, JUVENILE PROBATION OFFICE.

City Manager Golnar explained the agreement for the Commission.  
All in favor. Motion passed.

The City Commission reviewed the proposed sidewalk plan as prepared by Finance Officer Shirley Ewan, and discussed the implementation of such a plan. The Commission was generally in favor of pursuing option one. Questions asked by the Commission were, who would be in charge and who would be doing the work? A number of other issues brought up by the Commission included:

- Can CTEP funds be used?
- Can Urban System funds be used?
- New construction should follow under a different category than replacement.
- Determine tax rate if assessed by SID.
- Advertise reasonable and logical public notice to citizens of City's intent, and to possibly obtain other options not listed.

City Manager Golnar stated that the City hopes to construct sidewalks on an annual basis and to have the engineering contracted. Mr. Golnar will look into the City's pool of Urban System funds and report back to the next meeting.

No action was taken at this meeting.

Further discussion was heard on the Source Water Protection Ordinance. City Manager Golnar stated that he was looking for basic guidance from the Commission.

Discussion was heard from the Commission with the majority of the Commissioners supporting staff's recommendation with a couple other items to follow up.

Motion was made by Doyle, second by Stevens, to incorporate staffs recommendation that no drilling be allowed in the "high production clean water source area" as delineated by City staff.

Four in favor. Henry opposed.

Motion was made by Stevens, second by Blakeman, to give the City Manager broad authority to sign letters of support to the Montana Congressional delegation in support of federal funding for the Indian memorial at Little Big Horn Battlefield.

All in favor. Motion passed.

The City Commission reviewed and discussed a proposed six year integrated noxious weed management agreement between the City and Park County Weed District Board. Memo's were included in the packet from the City Attorney, with the Commission agreeing that City residents are already taxed in the Weed District.

The item will be referred to the next City/County meeting in June.  
No action was taken at this meeting.

Motion was made by Doyle, second by Blakeman, to approve the claim in the amount of \$171.60 to Many Glacier Hotel for the City Manager to attend a Montana City Managers meeting.

All in favor. Motion passed.

Commissioner Doyle stated that it was nice to see the street work done and that he has received a number of positive comments.

Commissioner Stevens comments:

- There is a sink hole on Callender and H streets.
- Received complaint of speed on Callender street.
- Commented that an educational packet as proposed by the Fire Chief needed to get out to school kids before the end of the school year.
- Commented that there is a lot of grants out there for the City. Suggested the hiring of a grant writer who would work on a percentage basis depending if the grant was awarded. Mr. Stevens has a contact he will talk to and get back to the Commission.
- Would like the City Manager and new Historic Preservation Officer to look into grant money from the National Historic Trust to look at the East Side School.

Commissioner Blakeman questioned the time frame for finishing the 6<sup>th</sup> through 9<sup>th</sup> Streets project. Supt. of Public Services Ken Kastelitz stated that they are finishing up with the alleys this week as there was a 28 day curing period, all driveways are open, the homeowners are responsible for fixing their boulevards, and that some boulevards are still too high and the City may cut some of the dirt back, in coordination with abutting property owners.

Chairwoman Cooper comments:

- Blood drawing at the Moose Lodge on May 10<sup>th</sup> from Noon - 6 p.m.
- Questions the old S-S sign that now has new advertising on it, if it has gone through the proper channels for permitting. Mr. Woodhull stated that it did not and a letter informing the advertisers has been sent out.
- Questioned the evaluation process of the City Manager and City Attorney. Mr. Golnar stated that he is rewriting the evaluation form

and that the evaluation of the Manager should be every six months, but this time it has almost been a year. Ms. Cooper stated that she would like the Commission to look at the evaluation form ahead of time. Ms. Cooper stated that she would like the Commission to be provided with a job description and evaluation form for the City Manager and City Attorney. She also suggested that the evaluations be opened up to other i.e. staff and department heads and would like the information requested provided by June 1<sup>st</sup>.

- Questioned the channel for City Commissioners passing on information to the Historic Preservation Officer. Mr. Golnar stated all materials should go through the City Manager.

Bob Ebinger addressed the City Commission in follow up to Mr. Stevens comments about Historic Preservation grants. He suggested that preservation funds be pursued to prepare an assessment of what can be done with the Old East Side School whether the Commission decides to develop the facility into a detention center or not.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

May 21, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, May 21, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Matt Henry, Tim Stevens, Mike Doyle, and Vicki Blakeman. Chairwoman Caron Cooper was absent.

Motion was made by Doyle, second by Henry, to approve the following consent items:

- Approve May 7, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$103,104.19.
- Montana Aids Vaccine Ride Special Event; August 2-4, 2001.
- Mark's In and Out Car Show special event.
- Rubber Duck Race special event.
- Department Head monthly reports and other minutes. Finance Report was provided separately.

All in favor. Motion passed.

Vice Chairman Stevens proclaimed Friday, May 25<sup>th</sup>, 2001 as American Legion Auxiliary's Poppy Day in the City of Livingston.

Terry Tillett addressed the Commission with concerns about the City's method of water shut off on May 16, 2001. City Manager Steve Golnar and City Attorney Bruce Becker answered questions of the Commission.

City Planner Jim Woodhull gave background information on a variance from the front setback requirement for RII zoning districts, requested by Chris and Connie Hickman of 618 S. 10<sup>th</sup> Street. The Hickman's wish to build a deck onto the front of their house, which would be approximately 17 ½ feet from the front property line. Code requires a twenty-five foot front setback. The City Board of Adjustment recommends approval of this variance.

Motion was made by Doyle, second by Blakeman, to approve the finding of fact, most notably #4. All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve this variance. All in favor. Motion passed.

Motion was made by Blakeman, second by Henry, to approve Resolution No. 3170, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING INCREASE IN APPROPRIATION AUTHORITY FOR THE SID 176 FUND #3750 BY \$3,500.00 FOR FISCAL YEAR 2000-2001.

City Manager Golnar explained this resolution for the Commission.

All in favor. Motion passed.

Discussion took place on the draft Source Water Protection Plan and Overlay Zone. A draft ordinance was provided in the packet for the Commission's review. City Manager Golnar provided additional information.

Commissioner Henry commented on a couple of his concerns with the draft ordinance and commended Attorney Becker for his writing of the draft.

Other comments relating to the ordinance were heard by the Commission, staff and Lenny Gregrey.

The City Commission made suggestions to the Manager and Attorney for wording changes and deletions. City Attorney Becker stated that before this ordinance could be passed, the City Commission needs to accept the Source Water Delineation Assessment Report, prepared by the State. The State is currently waiting for comments from the City before they prepare the final report.

The changes to this ordinance as discussed will be brought back to the Commission at their next meeting.

Discussion was heard on a proposed Sidewalk Plan and to consider follow up steps to implement this plan. City Manager Golnar explained the proposal that was written by Finance Officer Shirley Ewan. The subjects of discussion were funding, new sidewalk replacement in areas where there are currently no sidewalks and a public safety concern exists, repair of existing sidewalks, and engineering. Comments and discussion was heard from the Commission, staff, Terry Tillett and Diana Seider.

Motion was made by Doyle, to accept staff's recommendation of items 1, 2, & 3, and to change 5 year to 10 year in #2. Motion died due to lack of a second.

No other action was taken.

Discussion was heard concerning a request by Sandy Wulf to purchase City land at Block 19 of the Palace Addition. City Manager Golnar stated that this piece of property has been requested by Ms. Wulf and others in the past.

Questions and comments were heard from the Commission relating to the sale of City land. A comment was heard from Mr. Tillett.

Motion was made by Doyle, second by Blakeman, to deny the advertisement of sale of this property. All in favor. Motion passed.

Mr. Golnar will write a letter to Ms. Wulf.

Motion was made by Henry, second by Blakeman, to direct the City Manager to apply for CTEP funding in the amount of \$45,000 for restoration architect and structural engineering services to determine appropriate roofing materials and load demands for Depot.

Three in favor. Blakeman opposed. Motion passed.

Motion was made by Doyle, second by Henry, to direct the City Manager to apply for CTEP finding in the amount of \$15,000 for engineering and design support of a three year sidewalk program.

All in favor. Motion passed.

Motion was made by Blakeman, second by Doyle, to approve a special meeting of the City Commission for Monday, June 11, 2001 at 6:30 p.m. to hold a public hearing on the Waste Water Treatment Plant Facilities Plan findings.

All in favor. Motion passed.

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

- AFSCME contract tentative agreements signed. Mr. Golnar plans on bringing the contract to the next Commission meeting for approval.
- Health Insurance contract. Mr. Golnar will be talking with the Unions and employees and is hoping to bring what level of contribution to be provided from the City toward insurance to the next meeting.
- Committee reports. Enclosed was a Detention Committee report.
- Electricity and gas rates. Finance Officer Ewan checked with Montana Power and reports and on November 1<sup>st</sup> gas rates will increase by 1% and electricity commodity charges from MPC will stay the same until July of 2002.
- Swimming Pool fees. These fees will not be increased for the summer season of 2001.
- Calendar of events and events:
 

May 21 <sup>st</sup>	7:30 p.m. – City Commission Meeting
May 23 <sup>rd</sup>	4:00 p.m. – Urban Design RFQ Selection Workshop
May 23 <sup>rd</sup>	7-8:30 p.m. – Senator Baucus Economic Development Summit-Strategic Planning for Montana; Belgrade City Planning Office
May 28 <sup>th</sup>	Memorial Day – City Offices Closed
May 30 <sup>th</sup>	7:00 p.m. – Solid Waste Workshop
June 4 <sup>th</sup>	7:30 p.m. – City Commission Meeting
June 6 <sup>th</sup>	4:00 p.m. – City/County Meeting
June 7 & 8	City Manager Association Meeting; Kalispell
June 11 <sup>th</sup>	6:30 p.m. – Public Hearing on Waste Water Plant Facilities Plan Options
June 11 <sup>th</sup>	7:30 p.m. – Budget Workshop #1
June 12 <sup>th</sup>	7:00 p.m. – Mayor's Landing Committee Meeting
June 18 <sup>th</sup>	7:30 p.m. – City Commission Meeting
June 25 <sup>th</sup>	7:00 p.m. – Budget Workshop #2
July 18 <sup>th</sup>	7:00 p.m. – Budget Workshop #3
July 23 <sup>rd</sup>	7:00 p.m. – Budget Workshop #4
Aug 6 <sup>th</sup>	Preliminary Budget Submitted no later than this regular City Commission meeting
Aug 13 <sup>th</sup>	7:30 p.m. – Special Meeting for adoption of FY 2001-2002 Budget
- Meetings to be scheduled further articulated:
  - Transportation Coordinating Committee Meeting
  - Budget Schedule



Commissioner Henry's comments:

- Commented on the busted dock at the Lagoon. Supt. of Public Services Ken Kastelitz stated that this is going to be a Boy Scout project to fix.
- Commented that the bike path stop sign has been stolen again.

Vicki Blakeman informed the Commission and public that there will be a clean up at Mayor's Landing on June 2<sup>nd</sup> if anyone was interested in participating.

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

The time was 10:06 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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VICE-CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

June 4, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 4, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Matt Henry, Tim Stevens, Mike Doyle and Caron Cooper. City Commissioner Vicki Blakeman arrived at 7:35 p.m.

Motion was made by Henry, second by Stevens, to approve the following consent items:

- Approve May 21, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$76,457.48.
- Chamber of Commerce Livingston Roundup Parade special event, with the exception of lifting the open container law for this event.
- Approve Officer Michelle Morris' request to live outside of the city limits.

All in favor. Motion passed.

A public hearing was held on a budget amendment to accommodate increase in wages for all non-union personnel. No public comments were heard.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3171, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING INCREASE IN APPROPRIATION AUTHORITY FOR WAGES OF NON UNION CITY EMPLOYEES.

Finance Officer Shirley Ewan explained why the funds are divided up and that this resolution amended the budget authority as required by State law.

All in favor. Motion passed.

A public hearing was held on a budget amendment to accommodate increase in wages for all AFSCME (Public Works) personnel. No public comments were heard.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3173, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING INCREASE IN APPROPRIATION AUTHORITY FOR WAGES PUBLIC WORKS PERSONNEL.

City Manager Steve Golnar referred to the addendum for additional information that was provided for the Commission.

All in favor. Motion passed.

A public hearing was held on a sewer rate increase. No public comments were heard.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3176, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING SEWER RATES FOR ITS SEWER CUSTOMERS THAT USE 0 TO 3,000, 4,000, AND 5,000 GALLONS OF WATER PER MONTH.

City Manager Golnar referred to the addendum for this resolution.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3172, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING COLLECTIVE BARGAINING AGREEMENT FOR AFSCME LOCAL 2711A.

City Manager Golnar referred to the addendum where a correction had been made in addendum A-1 and A-2 of the contract. It was explained to the Commission that the position was initially missing from the original draft and that this position is not anticipated to be filled at this time, but needed to be included in the contract.

An amendment to the motion was made by Blakeman, second by Doyle, to amend contract addendum A-1 and A-2 to include the Waste Water OP II position.

All in favor of the amendment. Amendment passed.

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

Motion was made by Doyle, second by Henry, to approve Resolution No. 3174, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING HEALTH INSURANCE COVERAGE FOR CITY EMPLOYEES.

City Manager Golnar reviewed the memo in the addendum and also noted page 55 of the packet which identified the different rates this resolution was setting; \$365/month for AFSCME Union employees and non-union employees, and \$325/month for Police and Fire Unions. Mr. Golnar stated that these rates will be set in stone as of the next fiscal year (7/1/01), even if the Police and Fire Unions have not settled their contracts. Commissioner Henry questioned if there were changes in the amount allocated to the two unions, would another resolution be needed. Mr. Golnar stated "yes", and further explained that the Fire Union want to pursue fact finding, and that the Police Union may propose a change by the next Commission meeting.

All in favor. Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3175, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CONTRACT WITH FINANCE OFFICER BY APPROVING A 3% PAY INCREASE FOR FISCAL YEAR 2000-2001.

Commissioner Henry requested more background, and Commissioner Blakeman questioned why this contract was separate from the others. City Manager Golnar replied that this position has a contract and is on an annual basis.

Mr. Henry requested that this resolution be held until the next meeting so that more information could be provided. Mr. Henry stated that he is not against the pay increase, but would like more information on the contract since non union was provided.

Commissioner Doyle called for a vote. Four in favor. Henry opposed. Motion passed.

Motion was made by Doyle, second by Henry, to authorize motorized boats on the Lagoon for the goose roundup to be scheduled mid June of this year.

City Manager Golnar provided additional information. Supt. of Public Services Ken Kastelitz stated that 4 to 5 boats would be needed and that Mr. Hoover with USDA Wildlife Services, reported to him that if there were no boats, he would not do the roundup as last year too many geese got away and it is important to catch the goslings.

Commissioner Doyle thanked the Wildlife, Fish & Parks for the goose roundups they have had in the past. Mr. Kastelitz stated that what we are doing is working as the number of geese are down this year.

Commission concerns were heard regarding the boat trailers on the grass getting the boats into the water.

The votes was four in favor, Stevens opposed. Motion passed.

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

- Summary judgment granted to the City on Hicks/Burns street maintenance district complaint.
- Livingston Garden Club volunteered to maintain the wye garden at the intersection between Park Street and old Highway 10. Work was started this past weekend. Mr. Golnar will send them a letter of thanks.
- Out of State vehicle registration follow up.
- Vendors selling from trailer parked on streets and two hour parking zones. Commission requested that staff give its recommendations at the next meeting.
- Communications with Senator Baucus' office received:
  - Assistance in setting up an appointment with the US Embassy in Tokyo for Koji Yamaguchi, Coordinator of International relations.
  - Follow up letter relating to Terry Tillett's concerns.
- Repurchase of disinterred graves. Staff will give its recommendations at the next meeting.
- Update on dock in the Park.
- Economic Development transition underway:
  - PCEDC audit underway.
  - PCEDC Executive Director Jim Plum resigned 5/31/01.
  - City proposal for County revolving loan fund administration.
  - Economic Development Alliance to submit written funding requests.
  - Mr. Golnar will provide the Commission with a written report soon, on a meeting he attended with the Economic Development Alliance and the County Commissioners.
- Letter received regarding sidewalk complaint.
- An enclosed budget schedule.
- Calendar of events:
 

June 4 <sup>th</sup>	7:30 p.m. – City Commission Meeting
June 6 <sup>th</sup>	4:00 p.m. – City/County Meeting
June 7 & 8	City Manager Association Meeting; Kalispell
June 11 <sup>th</sup>	6:30 p.m. – Special Meeting - Public Hearing on Waste Water Plant Facilities Plan Options
June 11 <sup>th</sup>	7:30 p.m. – Budget Workshop #1
June 12 <sup>th</sup>	7:00 p.m. – Mayor's Landing Committee Meeting
June 15 <sup>th</sup>	House Bill #124 Regional Workshop; Bozeman
June 18 <sup>th</sup>	7:30 p.m. – City Commission Meeting
June 25 <sup>th</sup>	7:00 p.m. – Budget Workshop #2
July 18 <sup>th</sup>	7:00 p.m. – Budget Workshop #3
July 23 <sup>rd</sup>	7:00 p.m. – Budget Workshop #4
Aug 6 <sup>th</sup>	Preliminary Budget Submitted no later than this regular City Commission meeting
Aug 13 <sup>th</sup>	7:30 p.m. – Special Meeting for adoption of FY 2001-2002

Commissioner Stevens stated that there will be a Detention Committee meeting tomorrow at 5:30 p.m. and everyone is welcome to attend.

Mr. Stevens also stated there will be a follow up meeting at Mayor's Landing on June 6<sup>th</sup> at 7:00 p.m. for those that are interested.

Mr. Stevens stated that all pickets are now up at the playground.

Commissioner Blakeman stated that she would be going to Helena on Thursday for the DEQ hearings.

Ms. Blakeman stated that she received concerns about the dryness of ground at the cemetery.

Chairwoman Cooper questioned the Police Chief hiring schedule. Mr. Golnar stated that he is about one month off of the schedule and will provide the Commission with a revised schedule.

Ms. Cooper clarified her statement from a previous meeting, that she did not intend to have staff at the swimming pool survey every swimmer at the swimming pool this year to see if they were local or out of town residents, but to survey the season passes as to local or out of town.

Commissioner Blakeman questioned when the swimming pool will be opened for the season. Mr. Kastelitz stated that pool will be opening on June 11<sup>th</sup>. Season passes will be available starting this upcoming weekend. The pool was cleaned today and will be filled on Wednesday or Thursday. The company who supplied the new filter system is here to check it out.

Robert Tracy addressed the City Commission about some property on east Lewis Street that he and his wife inherited from Ethel Phillips. Mr. Tracy's concerns were about the street maintenance and street light assessments. Mr. Tracy stated that he has filed three protests in the past.

Finance Officer Ewan told Mr. Tracy to bring his letters into her office.

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

The time was 8:27 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRMAN, CITY COMMISSION

SPECIAL  
City Commission Meeting

June 11, 2001  
6:30 p.m.

The Livingston City Commission met in special session on Monday, June 11, 2001, 6:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Matt Henry, Tim Stevens, Mike Doyle, Caron Cooper, and Vicki Blakeman.

The purpose of the special meeting was to hold a second public hearing on the Waste Water Treatment Plant Facilities Plan. Supt. of Public Utilities Clint Tinsley introduced Scott Murphy of Morrison/Maierle, Inc. who presented the draft plan to the Commission. Bill Buxton, also of Morrison/Maierle, Inc. provided part of the presentation.

No public comments were heard. The City Commission asked questions during the presentation. All comments regarding this plan will go through Mr. Tinsley or emailed to the secretary to be passed on. Mr. Tinsley will then forward any comments to Morrison/Maierle, Inc. for the final copy of the plan.

Motion was made by Blakeman, second by Doyle, to adjourn this meeting there being no other business. Motion passed.

The time was 7:36 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

June 18, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 18, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Vicki Blakeman, Matt Henry, Tim Stevens, Mike Doyle, and Caron Cooper.

Motion was made by Henry, second by Doyle, to approve the following consent items:

- Approve June 4, 2001 regular City Commission meeting minutes and June 11, 2001 special City Commission meeting minutes.
- Accept bills and claims in the amount of \$209,978.45.
- Department Head monthly reports and other minutes. Chairwoman Cooper questioned where the Planning monthly report was. City Planner Jim Woodhull stated that he will provide the Commission with two reports in July.

All in favor. Motion passed.

Chairman Cooper proclaimed June 25 - July 5, 2001 as Rodeo Days in the City of Livingston.

City Planner Jim Woodhull gave background information on a variance from the front setback requirements for RII zoning districts that was requested by Mr. Bill Nebel of 708 Northern Lights Road. The foundation for the garage on this property has been placed approximately nineteen feet from the front property line. Code requires a twenty-five foot front setback.

Planner Woodhull stated that there was no quorum for the City Board of Adjustment. Based on the Finding of Fact section of the staff report, staff felt it was appropriate for the Board of Adjustment to recommend that the City Commission disapprove the variance request.

Mr. Nebel addressed the City Commission informing them that he made a mistake in measuring the pins from the garage to the street curb instead of to the pins at the back of the sidewalk where the property line begins.

Discussion was heard from the Commission, staff and Mr. Nebel. The City Commission stated that the setbacks will be monitored in the future.

Motion was made by Henry, second by Doyle, to amend item one of the staff report to reflect a "yes" answer. All in favor. Motion passed.

Motion was made by Henry, second by Doyle, to approve the staff report as amended. All in favor. Motion passed.

Motion was made by Doyle, second by Henry, to approve this variance request. All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to Resolution No. 3177, 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 THE CITY OF LIVINGSTON. City Manager Golnar reported that this agreement comes before the Commission on a yearly basis.

All in favor. Motion passed.

Motion was made by Stevens, second by Doyle, to approve Resolution No. 3179, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING AND CONCURRING WITH THE DRAFT SOURCE WATER DELINEATION AND ASSESSMENT REPORT FOR THE CITY OF LIVINGSTON PUBLIC WATER SYSTEM PREPARED BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY.

All in favor. Motion passed.

Review and comments took place regarding the draft Source Water Protection Plan ordinance with staff proposed revisions. City Manager Golnar reflected the changes that have been made in the past to this ordinance as requested by the Commission. Motion was made by Doyle, second by Stevens, to direct the City Attorney to prepare a revised draft ordinance for 1<sup>st</sup> reading.

Commissioner Blakeman attended a DEQ meeting in the last week and reported that the plume area is going to be enlarged. The State is redefining the boundary of the plume. City Attorney Bruce Becker confirmed for the Commission, that if they passed the ordinance before the redefined boundaries took effect, they would need to amend the ordinance at a later date.

Commissioner Henry stated that he still disagreed conceptually with this ordinance. Motion was made by Henry, that in Section 33-07 of the draft ordinance, item #8, that the words be omitted and the other changes that staff and Commission has talked about be incorporated into the draft. Motion died due to lack of a second.

Comments were heard from Lenny Gregrey and Tara Eddy.

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

Discussion was heard in regards to revising the City Codes, section 22-9; Sale of Disinterred Burial Plots. City Commissioners were in concurrence with the staff recommendation, that the City will not buy back used graves. Also word changes in the first sentence of section 22-9 for clarification.

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

- Mobile vendors parking in the downtown. City Commissioner's felt that this was not a problem, so no action was taken.
- DEQ meeting relating to the BN Cleanup was held on June 12<sup>th</sup> in Helena. Chairwoman Cooper thanked Commissioner Blakeman for attending this meeting. Ms. Blakeman stated that another meeting will be scheduled in September.
- Economic Development Transition:



- The County Commission passed a resolution changing the management organization name. City Manager Golnar's opinion was that the City did not need to take this action as the strategy being pursued to is to preserve the corporate shell of the Park County Economic Development Corporation and rename it once the board is repopulated.
- Loan Administration proposal. The City will be preparing this proposal to forward to the Local Development Corporation Board and the County for the management of the County ED revolving loan funds.
- Mayor's Landing Status.
- Historic preservation Officer involved in the nomination of Fort Parker to be placed on the National registrar of historic places.
- Police Commission vacancy advertised.
- City/County Planning Board appointments expired January 1, 2001. Mr. Golnar will be working with the Planner to determine if they are interested in being reappointed.
- Thank you letter to Pat Mikesell for his help with the Arbor Day memorial monument.
- Thank you letter to Daryl Hanson for his help with the Olympic Torch Bearer selections.
- Response letter to Terry Tillett. Commissioner Henry questioned if Mr. Tillett ever called the Utility Department for extra time to pay his water bill before it was shut off. Staff stated that he did not.
- Complaints received:
  - Letter stating the deplorable condition of the Mountain View Cemetery.
  - Comment stating that the Street Sweeping tickets should be revised.
- Hard Rock Mining Impact Board and Stillwater Mining Corporation relating to population impact and mine related activities on Livingston.
- Police Union negotiations status. Mr. Golnar stated that the Police Union may have a tentative agreement before the end of this fiscal year. A special meeting was scheduled for June 25, 2001, 7:00 p.m. to give the City Manager authorization to sign a contract and revising the insurance allowance for the Police Department employees.
- Skate Park Status.
- Budget Packets. Mr. Golnar will plan on having budget packets out by Thursday afternoons before budget meetings.
- Calendar of Events:
 

June 15 <sup>th</sup>	House Bill #124 Regional Workshop; Bozeman
June 18 <sup>th</sup>	7:30 p.m. - City Commission Meeting
June 25 <sup>th</sup>	7:00 p.m. - Budget Workshop #2
June 27 <sup>th</sup>	7:00 p.m. - Economic Development Alliance Meeting; <i>Yellowstone Inn and Conference Center</i>
June 29 <sup>th</sup> (Fri) through June 30 <sup>th</sup> (Sat)	9:00 a.m. - MT Economic Development Summit; University of Great Falls in Great Falls, MT
July 2 <sup>nd</sup>	7:30 p.m. - Regular City Commission Meeting
July 4 <sup>th</sup>	Holiday - City Offices Closed

July 10 <sup>th</sup>	7:00 p.m. – Mayor’s Landing Meeting; West Room
July 18 <sup>th</sup>	7:00 p.m. – Budget Workshop #3
July 23 <sup>rd</sup>	7:00 p.m. – Budget Workshop #4
July 24 <sup>th</sup>	10:00 a.m. – TCC Meeting; Tentative
Aug 6 <sup>th</sup>	Preliminary Budget Submitted no later than this regular City Commission meeting
Aug 13 <sup>th</sup>	7:30 p.m. – Special Meeting for adoption of FY 2001-2002 budget

Commissioner Blakeman comments:

- Questioned where the City Manager was regarding the Police Chief selection. Mr. Golnar stated that a Police Chief will be on board for sure by mid-August.
- City Planner Woodhull responded on the status of the Urban Design. A meeting is scheduled for Thursday, June 28<sup>th</sup> at 4:00 p.m.
- Commented on the fire works issue from the last City/County meeting. The Fire Chief will follow up on providing a designated location outside of the City to shoot fireworks on July 3rd.

Commissioner Doyle comments:

- Stated that there is a problem with the variance that was passed earlier in the meeting. Mr. Doyle feels that this type of problem could be easily handled through a City Code update to include a site plan inspection and sign off with an appropriate fee. There was a consensus from the Commission that this be followed up on.

Commissioner Stevens comments:

- Was impressed with the turn out at Mayor’s Landing. Questioned the possibility of adding a fourth category to the Use of City Land Policy for parks or open space. There were no objections from the Commission to consider this other options brought back by staff.
- Informed the Commission that the next Detention Committee meeting will be held in Wilsall at the Senior Citizens Center on June 19th at 5:00 p.m. Mr. Stevens also noted that this meeting will be scheduled for different locations to give Park County residents a chance to attend the meetings.

Chairwoman Cooper comments:

- Commented that the smaller sign at the Yellowstone Inn and Conference Center was un-bagged. Staff responded that the Inn received their franchise.
- Commented that the City swimming pool was much warmer and stated that staff was doing a great job.

Park County Weekly reporter Jay Booth asked for clarification on the Economic Development issue. Ms. Booth also commented on the City’s hiring of the new Police Officer today who is having his license taken away for a DUI for the next six months, due to today’s court action. City Manager Golnar responded that he was

the best person for the job and he will be able to operate a motor vehicle while at work under a work permit.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
CHAIRWOMAN, CITY COMMISSION

SPECIAL LIVINGSTON  
CITY COMMISSION MEETINGJune 25, 2001  
7:00 p.m.

The Livingston City Commission met in special session on Monday, June 25, 2001, 7:00 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, and Tim Stevens. City Commissioner Matt Henry was absent.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3180, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PROVIDING HEALTH INSURANCE COVERAGE FOR THE POLICE DEPARTMENT. City Manager Steve Golnar stated that he and union representatives have signed a tentative settlement agreement and provided copies for the Commission. Mr. Golnar stated that the contract will be revised and brought before the Commission at their regular meeting next week in marked up fashion with a request to allow the City Manager to sign it. This resolution allows for the Police Department employees to receive \$365 per month for health insurance coverage, a \$40 increase.

All in favor. Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3181, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE HISTORICAL PRESERVATION OFFICE (SHPO) TO OBTAIN GRANT TO FUND LOCAL HISTORIC PRESERVATION OFFICE. Mr. Golnar noted that the grant amount was \$5,500 as stated in the resolution and not \$5,000 as stated in the letter noticing the meeting.

Mr. Golnar answered for Mr. Stevens, that the SHPO grant money not used last year to fund the position went back to the State as it was a reimbursable grant which was only paid out based on actual expenditures.

All in favor. Motion passed.

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

The time was 7:07 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

July 16, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, July 16, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Vicki Blakeman, Matt Henry, Caron Cooper, Tim Stevens, and Mike Doyle.

Motion was made by Blakeman, second by Doyle, to approve the following consent items:

- Approve July 2, 2001 regular City Commission meeting minutes.
- Accept bills and claims for FY June 00-01 in the amount of \$119,392.79, and FY July 01-02 in the amount of \$170,706.80. Commissioner Stevens questions claim #1103 to Berg Excavation for sewer main work on 3<sup>rd</sup> and Summit Streets and 2<sup>nd</sup> and Main Streets. City Manager Steve Golnar stated that this work has already been accomplished.
- Bozeman Trail Wagon Train special event on the conditions that the City receives proof of insurance and a water issue clarified.
- Appointed Ed Stole to a four-year city appointment to City/County Airport Board.
- Department Head monthly reports and other minutes.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1905, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1805 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER PROTECTION PLAN. Lenny Gregrey gave the City Commission a presentation that was in favor of being able to drill private wells. City Commissioner Matt Henry also gave the Commission a presentation listing the faults of the ordinance and provided a number of changes he would like to see incorporated to make this a better ordinance.

Comments were heard from each of the Commissioners who were in favor of passing this ordinance as a first step. Chairwoman Cooper pointed out a missing word in Section F, 1<sup>st</sup> sentence, ... the Fire Chief may file a notice of "appeal"... This will be an administrative correction.

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

A public hearing was held on second reading of Ordinance No. 1906, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 22, CEMETERIES, OF THE LIVINGSTON MUNICIPAL CODE AS ENACTED BY ORDINANCES NOS. 1060, 1176, 1177, 1278, 1279, 1296, 1297, 1300, 1325, 1326, 1480, 1502, 1527, 1535, 1615, 1634, 1638, 1693, 1796, 1813,

1815 AND 1892 BY PROVIDING THAT THE CITY WILL NOT PURCHASE DISINTERRED GRAVES. No public comments were heard.

All in favor. Motion passed.

Motion was made by Stevens, second by Doyle, to bring off the table from the October 2, 2001 meeting, Resolution No. 3128, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING AGREEMENT WITH CITY MANAGER. Four in favor. Henry opposed. Motion passed.

Chairwoman Cooper stated that since there was new text within this agreement a new resolution should have been prepared.

City Attorney Bruce Becker explained the changes in the agreement.

Commissioner Henry explained his nay vote. Mr. Henry and Ms. Cooper also questioned when the City Manager's next evaluation would take place. Also discussed, were new evaluation forms for the City Manager that would include Department Heads evaluating the Manager. Mr. Golnar is to provide the City Commission with samples of the new forms, but will not use them on this next evaluation, but the one in early December.

An amendment to the motion was made by Stevens, second by Blakeman, that section 3(c) be deleted, delete reference to 3(c) in paragraph 11, insert the wording in paragraph 11 to, "A flexible work schedule may be followed from time to time in recognition of long hours worked", car allowance to stay at \$150 per month, and in paragraph 8, change 6.7% to 6.8%.

All in favor of the amendment. Amendment passed.

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

Motion was made by Stevens, second by Doyle, to approve, Resolution No. 3183, 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 THE BATHROOM AND CLEANING SUPPLIES.

All in favor. Motion passed.

Chairwoman Cooper called for a recess at 8:55 p.m. The meeting went back into open session at 9:05 p.m.

Mr. Bill Moser addressed the City Commission with regards to the Montana Governor's Upper Yellowstone River Task Force. Mr. Moser gave the Commission summary of what entities are on the task force and some of the meetings that have been held. He requested that the City pose the question to the Task Force, what happens if the river shifts or "meanders"? Mr. Moser stated that no one has asked this question as of yet and with all the money being spent on different studies, he would like this question asked. City Planner Jim Woodhull, member of the Task Force confirmed that this question has not been specifically asked.

Commissioner Doyle comments:

- Gave an update on the continued wait for the Skate Park ramps. City Manager Golnar stated that they should be sent out today.
- Is looking forward to Summerfest.

- Suggested that the next time the grease board is used during a Commission meeting, that it is not placed behind the Sergeant of Arms.

Commissioner Stevens comments:

- Apologized for not providing the Detention minutes. Will provide three separate minutes for the next meeting.
- Stated that the next Detention meeting will be held in Gardiner on July 24<sup>th</sup> at 7:00 p.m. at the School.
- Questioned when something will be provided regarding the assuring open space status at Mayor's Landing. City Attorney Becker stated he will have something this week. Mr. Stevens asked that this be discussed at the next meeting.

Commissioner Blakeman asked that the Economic Development Alliance representative be discussed at the next meeting.

City Manager Golnar reported that the City has been asked to sponsor a revolving loan. This will be an agenda item at a future meeting.

Commissioner Henry comments:

- Questioned the \$6,000 removed from the CDBG loans for administration - could this go toward the Economic Development Alliance and could the City Manager look into this.
- Stated that he would be resigning from the City Commission effective August 1<sup>st</sup>, as he will be moving out of the city limits, unless City Attorney Becker finds something different that would let him complete his term of office.

Chairwoman Cooper comments:

- Stated that there will be a pie throwing fundraiser for Sister Cities Summerfest on Saturday between 5:00 p.m. and 7:00 p.m. Invited anyone to volunteer.
- Thanked Julianne Brown for her work at the City.

Fire Chief Robert Schmidt updated the Commission on the Safe Zone Program which was held at the airport for the public to set off fireworks. He stated that 150-200 people showed up and it was successful.

He also thanked Julie for her work at the City.

City Manager Steve Golnar also thanked Julie for her past help and wished her well in the future.

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

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

SPECIAL LIVINGSTON  
CITY COMMISSION MEETING

July 30, 2001  
6:00 p.m.

The Livingston City commission met in special session on Monday, July 30, 2001 at 6:00 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, Tim Stevens and Matt Henry.

The Commission went into Executive Session at 6:10 p.m. for the City Manager's semi annual evaluation.

The meeting proceeded at 7:10 p.m. after a 5-minute recess. The following three action items were voted on separately:

Motion was made by Blakeman, seconded by Stevens to accept the bills and claims for FY 00-01 in the amount of \$7,310.43. All in favor. Motion Passed.

Motion was made by Doyle, seconded by Stevens to approve amending the City Manager's contract for the FY 01-02. After some discussion, vote was taken. Doyle and Stevens were in favor, Henry, Cooper and Blakeman opposed, motion failed.

Motion was made by Henry, seconded by Blakeman to revisit the Manager's contract in 90 days at which time the Commission will determine if the City Manager has accomplished the goals they set for him in his evaluation. The Commission will meet at 6:00 p.m., before the regular meeting on August 6<sup>th</sup>, 2001 to set concrete goals they would like to see met before the 90 day evaluation of the City Manager. Henry, Cooper and Blakeman were in favor, Doyle and Stevens opposed. Motion passed.

Discussion was heard on the process for filling the City Commission vacancy. August 1, 2001, Mr. Henry will be moving out of the City and will relinquish his capacity as City Commissioner. The position is to be noticed immediately so that the Commission can have the resumes by August 20, 2001 for a selection and appointment by the September 4<sup>th</sup>, 2001 meeting.

No other business remained. Motion was made by Doyle and seconded by Henry to adjourn. All in favor. Motion passed.

The time was 7:45 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
FINANCE OFFICER

\_\_\_\_\_  
CHAIRPERSON, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING

July 16, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, July 16, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Vicki Blakeman, Matt Henry, Caron Cooper, Tim Stevens, and Mike Doyle.

Motion was made by Blakeman, second by Doyle, to approve the following consent items:

- Approve July 2, 2001 regular City Commission meeting minutes.
- Accept bills and claims for FY June 00-01 in the amount of \$119,392.79, and FY July 01-02 in the amount of \$170,706.80. Commissioner Stevens questions claim #1103 to Berg Excavation for sewer main work on 3<sup>rd</sup> and Summit Streets and 2<sup>nd</sup> and Main Streets. City Manager Steve Golnar stated that this work has already been accomplished.
- Bozeman Trail Wagon Train special event on the conditions that the City receives proof of insurance and a water issue clarified.
- Appointed Ed Stole to a four-year city appointment to City/County Airport Board.
- Department Head monthly reports and other minutes.

All in favor. Motion passed.

A public hearing was held on second reading of Ordinance No. 1905, AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1805 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER PROTECTION PLAN. Lenny Gregrey gave the City Commission a presentation that was in favor of being able to drill private wells. City Commissioner Matt Henry also gave the Commission a presentation listing the faults of the ordinance and provided a number of changes he would like to see incorporated to make this a better ordinance.

Comments were heard from each of the Commissioners who were in favor of passing this ordinance as a first step. Chairwoman Cooper pointed out a missing word in Section F, 1<sup>st</sup> sentence, ... the Fire Chief may file a notice of "appeal"... This will be an administrative correction.

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

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1815 AND 1892 BY PROVIDING THAT THE CITY WILL NOT PURCHASE DISINTERRED GRAVES. No public comments were heard.

All in favor. Motion passed.

Motion was made by Stevens, second by Doyle, to bring off the table from the October 2, 2001 meeting, Resolution No. 3128, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING AGREEMENT WITH CITY MANAGER. Four in favor. Henry opposed. Motion passed.

Chairwoman Cooper stated that since there was new text within this agreement a new resolution should have been prepared.

City Attorney Bruce Becker explained the changes in the agreement.

Commissioner Henry explained his nay vote. Mr. Henry and Ms. Cooper also questioned when the City Manager's next evaluation would take place. Also discussed, were new evaluation forms for the City Manager that would include Department Heads evaluating the Manager. Mr. Golnar is to provide the City Commission with samples of the new forms, but will not use them on this next evaluation, but the one in early December.

An amendment to the motion was made by Stevens, second by Blakeman, that section 3(c) be deleted, delete reference to 3(c) in paragraph 11, insert the wording in paragraph 11 to, "A flexible work schedule may be followed from time to time in recognition of long hours worked", car allowance to stay at \$150 per month, and in paragraph 8, change 6.7% to 6.8%.

All in favor of the amendment. Amendment passed.

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

Motion was made by Stevens, second by Doyle, to approve, Resolution No. 3183, 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 THE BATHROOM AND CLEANING SUPPLIES.

All in favor. Motion passed.

Chairwoman Cooper called for a recess at 8:55 p.m. The meeting went back into open session at 9:05 p.m.

Mr. Bill Moser addressed the City Commission with regards to the Montana Governor's Upper Yellowstone River Task Force. Mr. Moser gave the Commission summary of what entities are on the task force and some of the meetings that have been held. He requested that the City pose the question to the Task Force, what happens if the river shifts or "meanders"? Mr. Moser stated that no one has asked this question as of yet and with all the money being spent on different studies, he would like this question asked. City Planner Jim Woodhull, member of the Task Force confirmed that this question has not been specifically asked.

Commissioner Doyle comments:

- Gave an update on the continued wait for the Skate Park ramps. City Manager Golnar stated that they should be sent out today.
- Is looking forward to Summerfest.

- Suggested that the next time the grease board is used during a Commission meeting, that it is not placed behind the Sergeant of Arms.

Commissioner Stevens comments:

- Apologized for not providing the Detention minutes. Will provide three separate minutes for the next meeting.
- Stated that the next Detention meeting will be held in Gardiner on July 24<sup>th</sup> at 7:00 p.m. at the School.
- Questioned when something will be provided regarding the assuring open space status at Mayor's Landing. City Attorney Becker stated he will have something this week. Mr. Stevens asked that this be discussed at the next meeting.

Commissioner Blakeman asked that the Economic Development Alliance representative be discussed at the next meeting.

City Manager Golnar reported that the City has been asked to sponsor a revolving loan. This will be an agenda item at a future meeting.

Commissioner Henry comments:

- Questioned the \$6,000 removed from the CDBG loans for administration - could this go toward the Economic Development Alliance and could the City Manager look into this.
- Stated that he would be resigning from the City Commission effective August 1<sup>st</sup>, as he will be moving out of the city limits, unless City Attorney Becker finds something different that would let him complete his term of office.

Chairwoman Cooper comments:

- Stated that there will be a pie throwing fundraiser for Sister Cities Summerfest on Saturday between 5:00 p.m. and 7:00 p.m. Invited anyone to volunteer.
- Thanked Julianne Brown for her work at the City.

Fire Chief Robert Schmidt updated the Commission on the Safe Zone Program which was held at the airport for the public to set off fireworks. He stated that 150-200 people showed up and it was successful.

He also thanked Julie for her work at the City.

City Manager Steve Golnar also thanked Julie for her past help and wished her well in the future.

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

ATTEST:

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

APPROVED:

\_\_\_\_\_  
CHAIRWOMAN, CITY COMMISSION

SPECIAL LIVINGSTON  
CITY COMMISSION MEETING

July 30, 2001  
6:00 p.m.

The Livingston City commission met in special session on Monday, July 30, 2001 at 6:00 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Caron Cooper, Vicki Blakeman, Tim Stevens and Matt Henry.

The Commission went into Executive Session at 6:10 p.m. for the City Manager's semi annual evaluation.

The meeting proceeded at 7:10 p.m. after a 5-minute recess. The following three action items were voted on separately:

Motion was made by Blakeman, seconded by Stevens to accept the bills and claims for FY 00-01 in the amount of \$7,310.43. All in favor. Motion Passed.

Motion was made by Doyle, seconded by Stevens to approve amending the City Manager's contract for the FY 01-02. After some discussion, vote was taken. Doyle and Stevens were in favor, Henry, Cooper and Blakeman opposed, motion failed.

Motion was made by Henry, seconded by Blakeman to revisit the Manager's contract in 90 days at which time the Commission will determine if the City Manager has accomplished the goals they set for him in his evaluation. The Commission will meet at 6:00 p.m., before the regular meeting on August 6<sup>th</sup>, 2001 to set concrete goals they would like to see met before the 90 day evaluation of the City Manager. Henry, Cooper and Blakeman were in favor, Doyle and Stevens opposed. Motion passed.

Discussion was heard on the process for filling the City Commission vacancy. August 1, 2001, Mr. Henry will be moving out of the City and will relinquish his capacity as City Commissioner. The position is to be noticed immediately so that the Commission can have the resumes by August 20, 2001 for a selection and appointment by the September 4<sup>th</sup>, 2001 meeting.

No other business remained. Motion was made by Doyle and seconded by Henry to adjourn. All in favor. Motion passed.

The time was 7:45 p.m.

ATTEST:

APPROVED:

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FINANCE OFFICER

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CHAIRPERSON, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING

August 6, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, August 6, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were Mike Doyle, Vicki Blakeman, Caron Cooper, and Tim Stevens.

Motion was made by Blakeman, second by Stevens, to approve the following consent items:

- Approve July 16, 2001 regular City Commission meeting minutes and July 30, 2001 special City Commission minutes.
- Accept bills and claims in the amount of \$153,876.82.
- Accept Financial Report for June 2001.
- Accept resignation from Matt Henry from City Commission.
- Approve sale of recovered cash, jewelry and miscellaneous trinkets.
- Accept bid award for Asphalt Milling/Trenching Machine.
- Accept bid award for scrap metal.

All in favor, Motion passed.

Discussion was made of Sale of Property with Tim Stevens questioning the legality of the notice provided. City Manager, Steve Golnar asked Darren Raney, acting Police Chief, to respond. Raney stated that there was a notice put out in the Livingston Enterprise, which met legal notice requirements. Chairman Cooper requested information on the Asphalt Milling/Trenching Machine as far as what this was for and Steve Golnar, City Manager stated that it was actually a Roto Milling Machine proposed to be used with the Infrastructure Replacement program. What it will allow the City to do is to save on the transportation of the old material and cost of the new product for patching streets. Staff anticipates that it will pay for itself over a few years.

Public Hearing notice of community development needs and priorities of the City of Livingston for economic development, housing and community revitalization, and public facilities, and particularly as those needs affect low and moderate-income persons was discussed with Steve Golnar, City Manager. Bob Ebbinger of 128 South Yellowstone spoke in favor of using CDBG grant money for historic preservation in the downtown district. Notice of Public Hearing for Budget will be August 20, 2001.

Motion was made by Tim Stevens, second by Mike Doyle, to approve Resolution 3184, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON OF

ITS INTENT TO LEVY AN ADDITIONAL 2 MILLS FOR THE SUPPORT OF THE AMBULANCE SERVICE IF APPROVED BY THE ELECTORS AT THE NOVEMBER 6, 2001.

All in favor, Motion passed.

Motion was made by Vicki Blakeman, second by Mike Doyle, to approve Resolution 3185, A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING IRREGULARITY IN FUNDS WATER, SEWER AND SOLID WASTE CAUSED COMPUTER CRASH. City Manager, Steve Golnar, reported that in the Utility department there was a computer crash that occurred in June 2001, which resulted in a loss of information related to the history of the bills. Reconstructing the information was a day and night effort by staff for a continuous period of time and in that process there were some duplications of entries dates which caused confusion. After a couple of weeks of trying to sort this out, Shirley Ewan, Finance Officer, came to the conclusion along with the City's auditors that the effort to balance exceeded the value of the inconsistency and that the irregularity should be written off.

All in favor, Motion passed.

Motion was made by Tim Stevens, second by Vicki Blakeman, to approve Resolution 3186, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING RECEIPT OF PRELIMINARY BUDGET, GIVING NOTICE OF A PUBLIC HEARING TO BE HELD ON AUGUST 20, 2001, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2001-2002, AND OF ITS INTENT TO APPROVE THE FINAL BUDGET ON AUGUST 20, 2001, AND MAKING APPROPRIATIONS. City Manager, Steve Golnar, stated that this is a preliminary budget and that he will be providing a narrative of what this budget proposes this week. A notice for the public hearing on the final budget to be held August 20, 2001 will be advertised.

All in favor, Motion passed.

Motion was made by Mike Doyle, second by Vicki Blakeman, to approve Resolution 3187, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTENANCE FOR STREET MAINTENANCE DISTRICT NO. 1 AND OF ITS INTENT TO LEVY AND ACCESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PERCENT OF ESTIMATED COSTS IN THE AMOUNT OF \$336,150.00 FOR IMPROVEMENTS AND MAINTENANCE FOR FISCAL YEAR 2001-2002 AND CALLING FOR A PUBLIC HEARING THEREON. City Manager, Steve Golnar, stated that the proposal to renew the street maintenance district is at the same level of funding that was assessed last year and this is consistent with the City's five year plan for street maintenance district construction activities. The public hearing will be held August 20, 2001 relating to this matter.

All in favor, Motion passed.

Motion was made by Tim Stevens, second by Mike Doyle, to approve Action Items as follows:

- DESIGNATE ECONOMIC DEVELOPMENT ALLIANCE COMMISSION REPRESENTATIVE. Lori Bishop of 211 South Yellowstone spoke on the Economic Development Alliance. She stated that who ever was elected on the board for the Economic Development should be expected to sit on the board that would oversee things like the Community Development Block Grants, the Administration of necessary Loans as well as attending Alliance meetings. Vicki Blakeman volunteered to be the representative for the Commission. Motion to have Vicki Blakeman as the representative was made by Tim Stevens, and second by Mike Doyle. All in favor, Motion passed.
- CONSIDER AUTHORIZING CITY MANAGER TO SIGN CHANGE OF CONDUIT OWNERSHIP AGREEMENT WITH THE TOUCH AMERICA, INC. FIBER OPTICS LINE. City Manager, Steve Golnar, commented that we had received a letter from Touch America indicating that they would be selling a portion of their Fiber Optic Lines that they are putting through town. Discussion was made and a decision was made to discuss this at the next meeting.
- DISCUSS SELECTION OF 2 EX-OFFICIO NON-VOTING MEMBERS TO THE TRANSPORTATION COORDINATING COMMITTEE. Discussion was made and the decision will be discussed at the next meeting.

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

- Police Chief Interviews were held last week and the Manager and selection committee are coming close to a decision.
- Fire Fact-finding was held from August 1<sup>st</sup> through August 5<sup>th</sup> and a fact finders report is expected in 30 days.
- A temporary Administration/Recording Secretary has been hired. Her name is Pam Payovich. Staff will continue to search for a full-time person to fill the full-time position.
- Police Commission Appointment has been delayed.
- Urban Design and Transportation issues. We will have Larry Gallager of HUD present to meet with the Urban Design Consultant Selection Committee, which includes all of the City Commission on August 9<sup>th</sup>. Implementation of parking setbacks. Steve did write a letter at the direction of the Transportation Coordinating Committee to Ken Kastelitz asking him to develop a plan for implementing set backs and to evaluate their impact on parking.
- Review of RFP and the RFQ for 5<sup>th</sup> and Park Street. The City will advertise the request for qualifications, which is the broader process of the two.
- Robert Schmidt, Fire Chief, has submitted his letter of resignation, effective September 21, 2001. The Manager stated that he really appreciated Robert's service to the community and wishes him luck in his future endeavors.

Commission Stevens comments:

- Stated that it would be nice to have a back-up commissioner temporarily.
- Follow-up on Mayors Landing. Thanks to Mr. Becker. As an action item to have this on the table for the next meeting.
- Land Classifications – 1<sup>st</sup> meeting is in September.
- Thanks to the City folks for infrastructure project in front of his house.

Commission Blakeman comments:

- Asked Ken on Summerfest. Ken stated that preliminary figures indicate that donations and revenues exceeded costs by about \$2300.00.

Chairwoman Cooper comments:

- TCC – minutes should be completed soon and will be distributed to the Commission.
- 5<sup>th</sup> and Park Street Intersection missed the date.
- MDT – Need turnaround.
- She will not be at the next City Commissioner’s meeting.
- Reported on a Swimming Pool. Its water has been clean and warm. Thanks to Ken Kastelitz and Staff for the warm and clean water.

Robert Schmidt, Fire Chief, reported a fire behind Chico.

Public Comments from Bob Ebbinger thanked Shirley and the Staff for providing the Detention Committee with a list City Commission of candidates and their numbers.

Pat Graybow, 204 East Callender, wanted a copy of the questionnaire on the e-mail from opening meeting. She also reported an accident across from Park High School while the bicycles were here. There is a guardrail across from the high school, which is dangerous, as evidence by the recent accident. Traffic condition, flow and direction is confusing. Could there be yellow lines put on the road for traffic direction?

Motion was made by Mike Doyle, second by Vicki Blakeman, to adjourn this meeting there being no further business. Motion passed.

The time was 9:10 p.m.

ATTEST:

Approved:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION



Livingston  
City Commission Meeting

August 20, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, August 20, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissions present were Tim Stevens, Mike Doyle and Vicki Blakeman.

Motion was made by Blakeman, second by Doyle, to approve the following consent items:

- Approve August 6, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$50,475.26.
- Accept Special Event – Sustainability Fair 8/24/01.
- Accept Department Head Monthly Reports and Other Minutes.
- Accept and review letters of resignation from Patricia Kiderlen.
  1. Park County Board of Health
  2. Board of Directors for Yellowstone Country, Livingston, Montana.

All in favor, Motion passed.

Tim Stevens mentioned there was an ADDENDUM, which included additional information on the FY 2001-2002 Budget – Wage Supplement; and Recommendations on Street Assessment District Protests items.

Discussion was made with Tim Stevens and Steve Golnar, City Manager, on the August 6, 2001 City Commission Meeting minutes on the action item to DISCUSS SELECTION OF 2 EX-OFFICIO NON-VOTING MEMBERS TO THE TRANSPORTATION COORDINATING COMMITTEE.

ADDENDUM: Discussion was made and the decision was made not to appoint 2 Non-voting Ex-Officio members. The Commission would like to have appointees have voting capability. It was suggested that a similar action be proposed to the County at the City/County meeting.

All in favor, Motion passed.

AGENDAED COMMENT:

A. Harlan Durgan – Addressed the Commission. Voicing concern that apartment owners cannot fix their own plumbing because Owner is not licensed. He questioned if the City has a licensed plumber so that his Apartment Complex could be repaired? Steve Golnar stated that the City does not have a licensed plumber. Mr. Durgan stated that he understood that the Sherwood Building is being sold to HRDC and it's going to be turned into a Senior Citizen Low-Income Housing facility. Mr. Durgan questioned, if this building is turned over to a non-profit

organization, would this mean that the building would be taken off of the tax roles? He also commented on the city buying a new Fire Truck to protect such buildings as the Ebert Apartment Building, a multi-story residential complex. Does this mean that this building will be taken off of the tax roles and that they wouldn't be paying taxes for protection of the building through the new Fire Truck bond issue because of them being a non-profit organization? He as a taxpayer is concerned about this decision, and asked if he could get some information about this subject from the City. Steve Golnar stated that licensed plumbers are required to work on the systems beyond the meter. Mr. Woodhull added that all plumbing work on commercial buildings is required to be inspected by the State Plumbing Inspector. Regarding the Sherwood Building non-profit organization issue, he referred to the representative from HRDC, who was present, for more information. Tim Stevens asked that if he could respond in the future and if Mr. Rupp, the representative from HRDC, could get Mr. Durgan something in writing for this information as a follow-up.

B. Status of Miles Building Restoration – Jeffery Rupp, Executive Director HRDC. Mr. Rupp reported that the HRDC would like to update the City Commission on their progress with the Miles Building rehabilitation. He stated that they had secured an allocation of tax credits to perform the work and reviewed final cost estimates. He reviewed the Project time frame. Bid Openings will be on October 1, 2001. They will start construction on November 10, 2001. Relocating Tenants will take place from January through February 2002. Project Completion will be August 20, 2002. In between the bid opening and the bid award the HRDC will return and update the Commission as to the amount of money raised and how many rehabilitation items can be completed. Steve Golnar questioned the relocation of tenants. Rupp's response was that they will have them out and back in within 60 days if the project is done as planned. Robert Schmidt, Fire Chief, asked if they had generated any estimates for the cost of a complete Fire Sprinkler System in the Miles Building rehabilitation project? Rupp's response was yes and that it is included in the project summary under division 15 – Mechanical.

Rupp did respond to the information requested by Mr. Durgan for the non-profit organization property taxes. Non-profit organizations do not pay property taxes. This keeps rents affordable to the Low-Income tenants.

Steve Golnar asked if there was available parking for the Sherwood Building. Rupp responded that there were 26-27 parking spaces for the building tenants, but noted the City's concern about parking related to this project.

Tim Stevens questioned if HRDC had signed a contract with the owners that gives you a few years to raise the money and at the end, if you don't will they extend the contract? Mr. Rupp stated that we are working with the ownership to make a significant contribution to our non-profit status to keep it the same so that they will hold the property for us with the understanding to give us time to raise the any significant amount of the money.

Steve Golnar questioned if that Public Hearing before the County Commissioner's was for CDBG funding from the County for the Home Funding? Rupp responded that it was for the Home Funding. When we started this project we didn't know if the County would sponsor the

grant or if we would do it ourselves. So we decided to write our own application for the grant but we still asked the County Commission for that Public Hearing to help update our plan.

Rupp also commented that it was brought up that they could not put up a sign stating "no dirt bikes" on HRDC Land Trust Property that was donated to them by the City. Stevens stated that the City does not own a lot of the land in that area and what the City owns is more to the gulley, and that it wouldn't be of much use for the City to exclude motorized vehicles from the small portion of Land that the City owns. Secondly, there was a concern of the Police Chief at the time over the ability to enforce that kind of an ordinance. Steve Golnar asked Mr. Raney or Mr. Becker if there were any bike restrictions on that property? Raney responded that there are no restrictions.

Motion was made by Mike Doyle, second by Vicki Blakeman, to approve Resolution No. 3188, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2001-2002, ESTABLISHING THE TAX LEVY, AUTHORIZING APPROPRIATION AND AUTHORIZATION CITY MANAGER TO AMEND BUDGET. City Manager, Steve Golnar summarized the budget for the Commission and audience. The budget for FY 2001-2002 anticipates \$9,504,000.00 in expenditures and \$8,277,000.00 in revenues. The difference between the revenues and expenditures was expected to come from cash balances, which have been accumulated for purposes of capital projects. None of the City's funds cash balances were anticipated to be negative at the end of the year. Plans anticipate using some of the existing cash reserves to balance the General Fund Budget for this year. These uses include \$36,778.00 carried forward expenditures; a loan to the Ambulance Fund in the amount of \$64,000.00 for the purchase of a new Ambulance cab and chassis; and additional expenditures are being recommended for an automated sprinkler system in Sacajawea Park for \$10,000.00 and a roof repair for the Ice Skating Shelter in the Park at \$3,000.00. The General mill levy is proposed to be 150.77 mills in total. Our General Fund related mill levy is proposed to be 127.47 mills. That's up from last year where we were at 124.79 mills. Our total mill levy and the total impact on the taxpayer, as the budget proposed resulted in a reduction of \$1.20/year in the cost to a resident. There are recommendations in the Solid Waste and also in the Ambulance Fund for rate increases to cover increased costs. While the rate increases were not completed or computed yet, the Manager proposed to move forward in both of those areas to analyze how we should adjust those rates. In the Addendum a summary Wage Supplement for the Budget that identified by position the proposed salary anticipated was provided. As a final note, the City began the fiscal year in the General Fund with a cash balance of \$876,657.00 and concludes the fiscal year with an ending balance of \$766,960.00. That is about 34% of the General Fund expenditures. The law authorizes up to 50% of General Fund expenditures to be carried in the General Fund balance. The City needs the General Fund balance to cover cash flow contingencies because it only receives property taxes twice a year and this allows it to continue to pay its bills throughout the year.

Blakeman asked about the security lights for the baseball fields and how \$500 was arrived at for this project. Stevens questioned the General Fund Balance and how the General trend compared to years past in terms to a percentage of the Budget and what's going to be left over? Golnar stated that we have seen the General Fund balance growing since about 1994-95 and at that time

it was significantly low, low to the point where we really could not meet our cash flow needs without borrowing. We are at the point now where we have reached a Fund Balance around \$800,000 to \$900,000 last year and we are leveling out and maybe even going a little bit down this year. Stevens questioned if the roof for the Ice Skating Shelter would cost \$3,000.00. How did they get that figure? Ken Kastelitz replied that it was just a quote from a contractor.

Golnar concluded that the Final Fire Union Settlement is not included in this proposed budget and depending upon what happens there you may see some requests to change to the budget as it currently stands. He also noted that the proposed budget does not include the 7<sup>th</sup> Street Bridge abutment reinforcement that was initially proposed by Staff. He asked Ken Kastelitz what is the interpretation by Staff if the Commission does not fund that project? Ken responded until it is determined unsafe that they would use it. But if the piling comes out of it again, Staff would have to remove it. Blakeman questioned if there could be anything done to shore the pilings up. Kastelitz stated that they were rotted out. Stevens asked if the pilings could be buttressed with additional timbers. Kastelitz stated that anything that is done will need an O.K. from the State. Stevens mentioned that this was a big enough line item, at \$25,000.00, that should warrant pretty detailed discussion to be considered by the Commission. He was comfortable with not having the bridge repair in the budget at this point, but it's something that the Commission needs to address sometime down the road, because he thought that it was an important entry port to the Park.

All in favor, Motion passed.

Motion was made by Vicki Blakeman, second by Tim Stevens, to approve Resolution No. 3189, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING THE COST OF MAINTENANCE FOR STREET MAINTENANCE DISTRICT NO. 1 ON ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PERCENT OF THE COSTS FOR IMPROVEMENTS AND MAINTENANCE FOR FISCAL YEAR 2001-2002. Stevens mentioned that there were three protests that related to this and what he would like to do is to consider each protest individually.

- Burns/Hicks protest - No public hearing comment.
- Tracy protest - No public hearing comment.
- Durden protest - No public hearing comment.

Regarding the Hicks protest, the City Manager, commented that in the Addendum, on page 133 is a copy of the December 18, 2001 Livingston City Commission Minutes stating; "In response to a protest filed by Mr. Steve Hicks, a motion was made by Henry, second by Cooper, to reduce the number of lots that will be assessed for the street maintenance district, for the particular parcel of property that was being protested to 6 lots for FY 2001-2002. These lots would include, lots 1,2,31, & 32 of Block 38 of the Original Townsite and lots 31 & 32 of Block 39 of the original Townsite. All in favor, Motion passed." The Manager's recommendation was to take no further action on the Burns/Hicks request. The Attorney has dealt with protests from Burns/Hicks and has seen the correspondence from the Attorney and also from the property owners relating to this issue.

On the Tracy protest, they identified concerns about the assessment for the property that extended down toward the River. It was also not serviced by a road for a certain portion of that property. The methodology used in reviewing this request was the Commission adopted philosophy that if there are large pieces of undeveloped property that a guideline of 140 feet from the road should be used to determine assessable property. Beyond the 140 feet may consider taking undeveloped property out of the District for assessment until such time when it is developed. Applying the methodology to these lots eliminated 3 lots on one side and 2 lots on the other side for a total reduction in lots being assessed of 5 lots. That would be in addition to those that were already eliminated from the District on the right hand side at a previous time. That would be our recommendation to be consistent with Commission's previous actions. Stevens question to Becker was is this conveyed if the property sells to someone else or would the next owner have to go through this whole process again? Becker stated that it would go with the property.

Regarding the Durden protest, the property owner was present earlier, concurred with the Staff recommendation and that is located on page 54 of the Addendum, you will see the cross hatched area of 3 lots which intersects the Livingston ditch there also, again we use the 140 foot rule backed to the Montana Street and identify. So Staff recommended that 3 lots, which are crosshatched on Block 34, be eliminated from the Assessment District.

Motion was made by Blakeman, second by Doyle, to grant the protests as stated.

Motion was made by Blakeman, second by Doyle, to approve the Resolution No. 3189 as amended.

All in favor, Motion passed.

Al Jones, Regional Development Officer for the Economic Development Division of the Montana Department of Commerce serving the South Central Montana 10 Counties including Park County, spoke on the Proposal for CDBG Grant Application. The original source of funds is the federal taxpayers. Hud-grants, Community Development Block Grant money, the Statewide Block, to be administrated by the Montana Department of Commerce, Hud also makes direct grants of this type to Cities that have reached the metropolitan sample size, so Billings, Missoula and Great Falls are not eligible for State CDBG funds. For the balance of the State, every other Community, County, City and Town within all of Montana are eligible to compete for this limited pool of funds, which is about \$10,000,000.00 a year. The bulk of it goes into the Housing and Public Infrastructure Loan, which is about \$7,500,000.00. Most of that we have been funding water systems for local towns or local communities, replacement upgrades, etc. grants. \$2,500,000.00 goes into the Economic Development Loan Fund. We focus this on primarily our manufacturers. Each dollar that they bring into local economy turns over an average of 9 times. In comparison, to retail of 2 to 3 times. Manufacturing on average pays \$27,000.00 per year in Montana. And we have good mobility within those jobs where you can start as an entry-level person but work up through different machines, position and sales. We look at Manufactures to the key way to increase the size of the pie in each local economy, rather than to simply re-split it, as well as to create jobs worth having, jobs worth like having from 20 or 30 years, a job that you can throw attention on, build skills and support a family. Jobs have to

be full-time and pay at least \$23,600.00 per year. What we are figuring currently is the basic living wage for a single person in Montana. Which is about \$11.24 per hour. This is only for a single person. Not a person with children. Unfortunately most of our jobs in the State fall below that. So this is part of our approach for jerking the wages upwards and encouraging forward salary growth. As such we have this pool, which we make 5 or 6 loans out of this a year for which everyone in Montana competes. So the reason that Steve has been the pawn of my Machiavellian scheme is to beat other applications to the pool before the money's gone. We have enough applications in process that exceed the amount of money that we have. So it's a first come first serve basis. The State and the applicant are trying to get this done quickly or they have to wait for another year. They have been working on this loan application for a year. This is the one application that Mr. Jones is making out of the 10 counties he works with. Working on the application with Steve and Shirley, since Shirley is an experienced CDBG loan administrator here on staff. The City would be the applicant; the City would be the recipient and then Shirley would be assigned as the person who would make sure loan payments come in and the paper work comes in. So with the approval of the City and with the loan application itself being approved by the Department of Commerce loan committee, the State Department of Commerce would make a grant to the City of Livingston for the full amount. The City would then loan it to the company and a portion of it would be used to reimburse some direct training costs. When the company submitted an appropriate request for reimbursement to Shirley, payment would be made. The local job service office will oversee Job creation and the type of jobs created. This would enable people with few job skills to advance them into a broader career environment. There is also an administrative fee that would be paid to the City to help address Shirley's costs to administer the grant. You make the loan to the business. As the business repays it, the money stays here and goes into your local revolving loan fund. This is a way the State transfers the money to communities that are effective at managing revolving loan funds. It is the community's that the Department of Commerce are confident in that gets the money. Then with the revolving loan funds, you can make loans to other high potential job creators within Park County and within the City limits.

Dr. Donald Knittel, representative of the Montana Travertine Business, Tim O'Hara, owner of Montana Travertine, and William Smith, engineer for Montana Travertine, presented information about the Montana Travertine Business. Tim Stevens questioned how they assess the supply that you have at the mine and how long is it going to last? Tim O'Hara responded that actual core drilling of the area was performed to establish our "proven of reserve". Our proven reserve is 750,000 tons. We will be extracting that in the next 5 years. The potential is unlimited. Early on O'Hara hired an Italian Coring Master, because the coring practices that had been being used in the last 30 years in the quarry were very destructive. They were doing a fair amount of blasting with dynamite. Not only do you take a chance with micro fracturing the stone that you are getting out, you are also micro fracturing the stone that is still there that has to be extracted. He stopped all of that. The only blasting that goes on now is in the initial cutting of the channel where you cut your way into the stone and there on then use wire saws and extract blocks, wire saws are diamond head of wire.

Steve Golnar, City Manager, asked what is the amount of the loan that you are looking at for assistance from the City to support and could the applicants summarize how it is going to be used? Al Jones replied that would be \$400,000.00. \$32,000.00 would be an Administrative Fee

paid to the City. They plan a \$50,000.00 set aside for work force training. And then the balance would be loaned directly to Montana Travertine to fund their expansion.

Blakeman questioned would there be any environmental concerns, and if you foresee any in the future? William Smith, practicing Engineer for Montana Travertine, answered that the products that are primarily manufactured have no such significant impact on the environment. The material is cut with water-lubricated blades so that the material similar to sawdust that results is caught in the water and a substantial amount of that can be reclaimed for other uses. Because it is so pure it has substantial amount of other uses when it is caught. The activities that would require permits from the Montana Department of Environmental Quality will be met and to the extent that the operation is self-contained. And there is no discharge into the environment. Being able to reclaim much of the material that would otherwise be wasted allows it to become a product for resale.

Stevens questioned at what point as this operation builds out will some kind of analysis kick in? Al Jones answered by stating that if they decide to buy the building for the processing then we will go through the Environmental Phase I Audit on the property to determine if the previous owner had split hydraulic oil or motor oil or toxic chemicals in the soil, then we would need to do additional testing to determine the issue of the property.

Golnar asked what are you looking for from the City? Are you looking for a resolution support or are you looking for an indication to move forward with the development of this project, could the application be supported by a resolution of support at a later date, or did they need a resolution of support tonight? Al Jones stated that they would like to have it tonight.

Stevens stated that there is no resolution in the Commission's packet tonight. How can we support a resolution that we haven't seen yet!

Golnar mentioned that he had received a call from Mr. Bob Ebinger. Even though he could not attend the meeting and that he wanted to emphasize his interests in planning for Community Development Block Grants for the support of Historic Preservation. And that they would like to submit Historic Preservations proposals for Community Development Block Grant Funding in the future as long as they have adequate time to submit the application.

No further public hearing comment.

Stevens asked Becker where to go with the Travertine loan request. Becker stated that a resolution wasn't on the Agenda. This property is not in the City limits. They do have an office in the City limits. Becker replied that basically what you're asking for is the approval of the Proposal for a CDBG Grant Application. Stevens stated that he is uncomfortable with passing a resolution without having it as an Agenda item, or even having a resolution number. "What I want to know is there some kind of a dead line that you are trying to meet that you need to have something tonight or is this something that the City Commission would have to have a special meeting say in a week to sign this resolution? I'm completely uncomfortable with this as it is not on the Agenda, at least properly on the Agenda".

Jones stated that they could live with two weeks as other applications are heading in and this is a loan based on who is going to get their application to the loan committee first.

Stevens answered by saying that Monday, August 27, 2001 the City Commission could have a special meeting relating to this project. Jones said that they would not be necessary, that a resolution by the September 4, 2001 City Commission's meeting would be fine.

Action item B is to review applications for vacant City Commissioner seat and discuss selection process. Steve Golnar, City Manager, stated that we have received four applications for the City Commissioner's seat. They include the following:

Annamarie Barber  
Sheryl Dahl  
Lenny Gregrey  
Fred Hall

Golnar stated that the procedure to fill vacancies of City Commissioner was included in the packet on page 89. The Commission intends to fill this vacancy at the September 4<sup>th</sup> meeting. It was agreed that the Manager was to set up interviews between the Commission and applicants on Monday, August 27, 2001 starting at 6:00 p.m. in half hour increments. And if August 27, 2001 were not convenient for the applicants that September 4, 2001 would be an alternating date for the interviews beginning at 6:00 p.m. again in half hour increments.

Discussion was made on the action item for Select Urban Design Consultant. Golnar commented that the Urban Design Plan Committee met and they actually interviewed two consultants. Those included Entranco and Makers. The consensus from the Urban Design Plan Committee, of those members present, was that the City would initiate a Pre-Phase Scope of Work session with Entranco and ask them to quote what it would cost to have that done. This Pre-phase Scope of Work would be utilized to finalize the Scope of Work to be included as an addendum to our contract for services between Entranco and the City.

A motion was made by Doyle, and second by Blakeman, to Select Entranco to be the City Urban Design Consultant, regarding the City's Integrated Capital Improvement Plan.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to move action items to discuss City Commission's position on the use of the Zollman Field and also to consider Request for Lease of Old East Side School - Kindergarten and Library by "Even Start Program" to be discussed at the next City Commission Meeting on September 4, 2001.

All in favor, Motion passed.

Regarding the Detention Committee Appointee, Golnar stated that since last meeting both the Detention Committee Appointee and also an individual interested in filling that position approached him and asked to have the issue placed on the Agenda.



Stevens commented that this committee was formed to have balanced representation. It became clear at the last Detention Committee meeting that the way the Commission had established the City's continuous representation was for Stevens to continue and Mr. Doyle and or Mrs. Blakeman would shadow the meetings and be there as well. After the last meeting, this is not acceptable because of this precarious balance of making sure the right balance of City and County folks. This is a group that has been working really well together and they still are in the initial stages of learning. But he thought that they are ready to move forward and start making some decisions. In addition to that, he will not be here in the next few months and there's a chance that Mr. Doyle will be after the election. Stevens suggested that Mr. Doyle would be better for taking his place on the Committee.

Motion was made by Blakeman, second by Stevens, to have Mike Doyle replace Tim Stevens on the Detention Committee.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to move action item to confirm City Manager's Appointment to the Police Commission to the next City Commission Meeting to be held September 4, 2001.

All in favor, Motion passed.

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

- Police Chief Accepts Conditional offer for Employment. Congratulations to Darren Raney.
- CTEP projects have been approved. That is both the Depot Restoration Project and 2001 City Sidewalk Planning Project.
- Damage of Baseball Fields from Aids ride event. Damage deposits should be assessed when appropriate on these types of events.
- Review letter from Albertson's on Energy Conservation Program Initiatives.
- School Resource Officer status - A presentation from Darren Raney on the School Resource Officer will be made at the next City Commission Meeting to be held on September 4, 2001.
- Fire Chief Selection - The City Manager will be initiating this process soon and will make a nomination to the Commission and the Commission will confirm the nomination after the process is completed.
- Intersection Setbacks Implications - The Manager wanted to provide to the Commission with a copy of a downtown-parking memo that he had received from Ken Kastelitz. This is a review of the implications of implementing uniform traffic codes intersection setbacks, which have been adopted by the State of Montana. Approximately 25 parking spaces would be eliminated if setbacks were implemented as described. Mr. Golnar suggested a public hearing on informational session with business owners and the public before implementation.

Motion was made by Blakeman, second by Doyle, to Paint the Streets Lines as is for now.

All in favor, Motion passed.

Commissioner Blakeman comments:

- Had a question to Mr. Durgan could not hook-up this sewer line for your washer, as a homeowner, where did he get this information? Mr. Durgan responded, from the City Builder Inspector. And how did it come to his attention? Mr. Durgan had a leak in his water line and he just capped it off. Someone turned him in for doing this. And as a result Mr. Durgan had to have an appointment with the State plumbing inspector and they reported to him that he really could not cap the line but they would let it go this time.
- Environmental concerns with the CDBG Project.
- Applicants on Action Plan B – no need to interview applicants.
- Seed money is ½ of funds from last year.
- Pre-Phase I Scope – fit between the budgets.
- Sidewalks study in the entire City.
- Damage of Baseball Fields from Aids ride event was from the same group.
- Advise everyone to attend the Sustainability Fair this weekend.

Commissioner Stevens comments:

- Survey contract for Sherwood Apartments.
- Tracy protest – is it properly conveyed.
- At what point is it a required analysis as an operation builds CDBG Grant Applications.
- Model Resolution CDBG Grant.
- Asked Al Jones to identify how to apply for the CDBG Grant Fund for his Historic Block Grants Preservation and to get the information to Bob Ebinger.
- Parking setbacks should not be decided until the Urban Design Plan has been approved.
- Subway lights are already broke in the Underpass.
- What are the dates for the Summerfest 2002?

Commissioner Doyle comments:

- To go through with interviews for vacant City Commission seat and meet as a body and leave open to the public.
- Pre-Phase Scope Session – Urban Design scheduled by when?
- Paint Parking lines/corners as they are now.
- He questioned the Enterprise reporter's absence and went on to say the City needs to get it's story out. (Golnar agreed to review the meeting with the Enterprise on the following day).
- Big Daddy State Park will start on Wednesday, August 22, 2001.

- Budget on the Summerfest 2002.

Public Comments:

- Ken Kastelitz, Supt. Public Utilities, reported that he has put out the Summerfest Report and if the City Commissioner's had a chance to look at it and if they have any questions and what do you think about the proposal for 2002. The wages this year were a little higher than what he had predicted and part of that was that Sister City's were not able to provide two people at the gates so he had to have City's employees help them out. Also Darren Raney, Police Chief, was not able to supply two officers, due to the shortage of staff, for the security of the grounds, so we had to supply a City Officer for security. We may pay the employee's a different wage for the Summerfest 2002. We are working with the Department of Labor to figure out what a reasonable wage would be for these services. Mr. Kastelitz asked if he could get the go ahead for the Summerfest 2002. It was reported from the City Commissioner's to go ahead and get started.
- Pat Grabow, 201 East Callender Street, wanted to clarify where the Administrative Money for the CDBG Funding would be going. Stevens commented that it would be going to the project to support the Montana Travertine CDBG Grant Application. Doyle also reported that the types of projects that the Money from the State is going to and how it filters back into the revolving act program is important for the City. Ms. Graybow stated that at the last City Commissioner's meeting that they wanted to be certain that work came through the Alliance for the Travertine project. Should the Travertine proposal be written within the Organization, that there is a possibility that the Administration Committee would benefit Alliance and that the money would not go to them. Blakeman stated that the loan application for Montana Travertine has to go to the loan committee and go through the City and once the loan is made and paid back then that is what goes back to Alliance. Golnar clarified that the \$32,000 for the Administrative Cost would go to the City if the City is going to administer the loan. This will be an Agenda item at the next City Commission meeting that will be held September 4, 2001.

Motion was made by Tim Stevens, second by Vicki Blakeman, to adjourn this meeting there being no further business. Motion passed.

The time was 10:12 p.m.

ATTEST:

Approved:

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

\_\_\_\_\_  
CHAIRWOMAN, CITY COMMISSION

**Livingston  
City Commission Meeting**

**September 4, 2001  
7:30 p.m.**

The Livingston City Commission met in regular session on Tuesday, September 4, 2001, 7:30 p.m. due to the Labor Day Holiday on September 3, 2001, in the Community Room at the City/County Building. City Commissioners present were Caron Cooper, Tim Stevens, Mike Doyle and Vicki Blakeman.

Motion was made by Stevens, second by Blakeman, to approve the following consent items:

- Approve August 20, 2001 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$104,166.86.

Discussion was made about the August 20, 2001 City Commission meeting minutes on Resolution No. 3188, adopting the Final Budget for the City. Cooper questioned the loan to the Ambulance fund for a purchase of a new cab and chassis. She thought that the City had discussed this loan as operating funds and that the chassis itself would be a lease purchase on a 5 year term. Golnar answered by stating that the budget reflects a 5 year loan and it's from the cash reserve of the General Fund.

All in favor, Motion passed.

FTD Good Neighbor Day in the City of Livingston on September 5, 2001 and the flags being flown at half-mass from August 31<sup>st</sup> - September 6<sup>th</sup> for recognition of the 3 member helicopter crew deaths while fighting fires in Park County were mentioned as proclamations by Cooper.

Discussion was made about Romans Variance at 501 South 11<sup>th</sup> Street. Jim Woodhull, City Planner, presented information about this variance. Mr. Romans has built a deck that is located 5' from the street-side property line. Code requires a 10' street-side setback. Stevens questioned if the only thing that is in question to that setback was the stairs. Woodhull commented that underneath the deck was a set of concrete stairs that were already there when he built the deck. Cooper asked if a building permit was issued. Woodhull stated no and that's how we caught this. Woodhull also mentioned in order to secure permit if not complete removal the City would have to make some changes, that may not be structurally acceptable. Doyle stated that he would allow it as it existed in place as of now. Ms. Cooper asked the City Attorney, Bruce Becker, if granting this variance would confer on the applicant any special privilege that is denied by this ordinance to other land owner in the same zoning district. Becker answered "yes".

Motion was made by Doyle, second by Stevens, to amend the Findings and Fact question no. 4 to granting of this variance request to be in harmony with the

general purpose and intent of this ordinance assume to the pre-existing non-conformance structure to, yes.

All in favor, motion passed.

Motion was made by Doyle, second by Stevens, to approve the Romans Variance as amended.

All in favor, motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3190, A RESOLUTION OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREETS LIGHTS THEREIN 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 2001-2002 ESTIMATED TO BE IN THE AMOUNT OF \$19,271.00 AND CALLING FOR A PUBLIC HEARING THEREON. Discussion was made on whether this Resolution was to purchase the poles for the street lights. Golnar stated that yes and that this is consistent with last year's street lights, maintenance district assessment amount. The FY 2001-2002 Infrastructure Project includes 2<sup>nd</sup> through 10<sup>th</sup> Streets between Front Street and Chinook Street.

Also anticipates money from the State of Montana's CTEP (Community Transportation Enhancement Program) fund to be used. A break was taken so that the City Attorney, Bruce Becker, could find out more specifics relating to the amount of funds for the project and the legality of resolutions. The Commission Chairwoman Cooper decided to come back to this resolution for further discussion and make a decision.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3191, A RESOLUTION ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 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 2001-2002 ESTIMATED TO BE IN THE AMOUNT OF \$43,000.00 AND CALLING FOR A PUBLIC HEARING THEREON. Stevens asked whether energy cost increases were anticipated in this amount. Golnar answered "no" because the City would not experience energy cost increases until July 1, 2002.

All in favor, motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3192, A RESOLUTION TO AUTHORIZE APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT FOR MONTANA TRAVERTINE. Steve Golnar provided a revised summary of his recommendation to all present. Mr. Golnar commented that the City Commission passes this Resolution with the understanding that the City will be the Project Manager for the Montana Travertine loan. Stevens asked in terms of the interaction

with the Economic Entity, would the City anticipate that the moneies coming back in would be paid into a revolving loan fund? Golnar stated yes, they would be paid into a revolving fund, and that the City is responsible for making sure that the requirements of the Community Development Block Grant Fund are met as recipients of the money. The City would need to make sure that any entity that it contracts with for either loan administration, program management or technical assistance, has the capacity and expertise to do the job. Doug Saarel, of 201 Elk Ridge Road, who is the Interim Director of the Economic Development Alliance, made a public comment that he had been working closely on this with Mr. Golnar, and the Department of Commerce and supported the CDBG application. He went on to say that a Trade Port Authority is developing which includes a Board of Directors and an executive director and he is satisfied that it can meet the criteria to contract with the City in a timely manner. This Port Authority will be developed in 30-45 days and in effect by October 1, 2001. Also Jay Booth, Park County Press, made a brief comment that she was concerned if this would have some kind of an effect with the contract that the City had already entered into making the Park County lend Alliance the Land Economic Development Organization. Cooper questioned Ms. Booth as to do you mean the Resolution itself or was she just commenting on the Resolution and the relationship of the City with the Economic Development Alliance? Booth stated that the Resolution was very clear but as far as who would be the lead organization for the Economic Development was not clear. Would it be the Economic Development Alliance? Golnar stated that the City Commission did take action to make the Economic Development Alliance the lead organization for the certified communities program. The City and the County also informally stated their interest in seeing the Economic Development Alliance perform lead development organization services in general, but no resolution to Golnar's knowledge was passed. Cooper asked if Golnar wanted to look at this further. Golnar stated yes. There will be further discussion on this at a later date.

All in favor, motion passed.

The City Commission resumed discussion relating to Resolution No. 3190. Bruce Becker, City Attorney, commented that if you go to the second whereas, and strike out the words "between 2<sup>nd</sup> and 10<sup>th</sup> Streets on Front Street" that would be the proper wording for the Resolution No. 3190. More discussion was announced and it was decided that the City Commission would take a break and come back to this after the code of laws were reviewed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3193, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CLASSIFYING CITY OWNED PROPERTY IN MAYOR'S LANDING AREA AS OPEN SPACE TO BE PRESERVED IN AN UNMAINTAINED AND NATURE LIKE CONDITION.

All in favor, motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3194, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA,

AUTHORIZING CITY MANAGER TO APPROVE SCOPE OF WORK SESSION WITH ENTRANCO FOR THE URBAN DESIGN INTEGRATED CAPITAL IMPROVEMENTS PLAN AND TO PAY ASSOCIATED COSTS. Golnar mentioned that on Friday, September 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup>, there would be a preliminary Scope of Work meeting with Mr. Keith Walzak from Entranco, and the community stakeholders (Railroad, MDT, RY Timber and LRC members) to obtain their input or concerns with the Study.

All in favor, motion passed.

#### ACTION ITEMS:

A majority vote was balloted by the City Commission to appoint an individual to fill the vacant City Commission seat and it was determined that AnnaMarie Barber will be the selected candidate. The City Manager noted that Sheryl Dahl had withdrawn her application for the vacant seat.

Police Chief, Darren Raney, made a presentation on the proposed School Resource Officer. No School Board members were able to be present. Stevens questioned if when the Officer goes over to the School, will that money which would have gone to the officer's pay be freed-up over the 2- year period that donated funds are being received to support this position? Raney commented that in order to fill this position he would have to hire another Police Officer. The person would be trained specifically for this position on a two-year, temporary term. Continuation of the position was dependent on future funding and success of the program. Stevens was very much in support in the concept of this position but not without reservations. Doyle agreed with Stevens' comment. Blakeman also commented that she felt it necessary to go ahead with this project. Cooper stated that she would like to see student School Government involved in oversight and commenting on the program so that the students can voice their concerns and be involved with the program. Golnar commented that he just wanted to get a sense from the City Commission on their interest in this program so that Staff, could determine if they should move forward to finalize a proposal.

Some discussion was relating to the City Commission's position on the use of Zollman Field wind generated power and joint ownership of the land. Golnar stated that this issue was being reviewed because the Commission deferred it in the absence of Chairwoman, Caron Cooper, at the last meeting. Blakeman questioned if there would be enough land to add additional wind powered generators to bring enough revenue in the City. Doyle stated Healow's proposal was for a few generators. The City Commission had no problem in jointly negotiating an extension of Dr. Healow's contract. Cooper stated that the City Commission needs to renegotiate Dr. Healow's contract and consider how many wind generators Dr. Healow would be using to expand his operation. Stevens requested that the City property not be divided. Golnar requested that the City considers an expansion of windmills at the Zollman Field when renegotiating Dr. Healow's contract in cooperation with the County. It was agreed among the City Commission to renegotiate Dr. Healow's contract with the addition of 4 or 5 windmills in

coordination with the County. Golnar will summarize the Commissions' other concerns relating to this issue for the County.

Regarding the request for lease of Old East Side School - by "Even Start Program" and other organizations. City Manager, Steve Golnar, reported the petitioners requested that the Commission defer discussion to the next meeting.

Discussion was heard in regards to confirming the City Manager's appointment to the Police Commission. Golnar withdrew his nomination for Police Commission and suggested that the City Commission advertise for applications again. Motion was made by Doyle, second by Blakeman, to have the City Manager re-advertise for the Police Commission.

All in favor, motion passed.

Chairwoman Cooper called for a 10-minute break to review and discuss the Resolution No. 3190 at 8:45 p.m. The meeting went back into open session at 8:55 p.m.

City Manager, Steve Golnar, commented that the recommendation for the Resolution No. 3190 would be to leave it as written. Motion was made by Doyle, second by Blakeman, to pass Resolution No. 3190.

All in favor, motion passed.

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

- Requests for Qualifications for 5<sup>th</sup> and Park Street have been advertised. Statements of Qualifications will be received until December 24, 2001.
- Change of Conduit Ownership Agreement signed by Manager for fiber optic conduits through town.
- Response to Rev. Harlan Durgan's concerns voiced at last meeting.
- Big Daddy Ramp Status. Nothing new had been heard as of this meeting.
- Transportation Committed Ex-Officio Non-Voting member appointment response.
- A Montana Cultural Trust Grant and a Montana Board of Crime Control Grant have been submitted.
- Lewis & Clark Committee has a vacancy due to the resignation of Commissioner Henry.
- September 5, 2001 at 4:00 p.m. there will be a City/County meeting. An Agenda was provided.

Commissioner Doyle comments:

- The Detention Committee moves forward. They are encountering difficulties in putting together some reports.

Chairwoman Cooper comments:



- Requested as to when the City Manager was going to appoint an Interim Fire Chief. Golnar stated that he would appoint someone by the time the existing Fire Chief leaves. The Fire Chief's last day is proposed to be the 19<sup>th</sup> of September. Ms. Cooper encouraged Mr. Golnar to make his appointment as soon as possible.

Commissioner Stevens comments:

- The 90-day goals for the City Manager. Wants to see formal action. Asked to have this put on the Agenda for the next City Commission meeting.

No Public Comments.

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

The time was 9:07 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

**Livingston**  
**City Commission Meeting**  
**September 17, 2001**  
**7:30 p.m.**

The Livingston City Commission met in regular session on Monday, September 17, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were AnnaMarie Barber, Caron Cooper, Tim Stevens, Mike Doyle and Vicki Blakeman.

Chairwoman, Caron Cooper, introduced the new City Commissioner, AnnaMarie Barber and welcomed her to the City Commission.

Steve Golnar, City Manager, announced his appointment of Bob Brown for the position of Acting Fire Chief and introduced Mr. Brown to the City Commission.

Motion was made by Stevens, second by Doyle, to approve the following consent items:

- Approve September 4, 2001, Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$39,933.56.
- Accept Department Head Monthly Reports and Other Minutes.
- Approve for Appointment to Historic Preservation Commission the following individuals:

Reid Erickson - 330 South 3<sup>rd</sup> Street  
Cloe Auerhammer - 103 North 5<sup>th</sup> Street

Stevens inquired as to why the at-large library board members have a term of two years and the rest have a term of five years. Stevens also asked if a form of a Resolution could be proposed to accommodate an increase in the at large board member's term to five years. This will be placed on the City/County agenda.

Cooper inquired as to where the Planner's monthly report was? Cooper would also like to see a monthly report submitted by the Acting Fire Chief as to how many immediate response structure fire runs were made into the County by City Fire and into the City by rural fire through mutual aid agreement.

All in favor, motion passed.

Steve Hicks and Thomas Burns addressed the Commission in regards to their dispute they have with the City on Street Maintenance and Street Lighting assessments. Burns suggested that they might be willing to trade some of the land for repayment for the some of the Street Maintenance fees. After discussion was heard by the Commission, it was determined that Bruce Becker, City Attorney, would meet with the County Assessor and the County Treasurer and determine what needs to be done on this issue and report back to the City Commission.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3195, A RESOLUTION MODIFYING SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREETS LIGHTS THEREIN AND LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2001-2002 ESTIMATED TO BE IN THE AMOUNT OF \$19,271.00. Open for public hearing. No public comments were heard. Mr. Golnar recommended passage of this ordinance as written, noting that he will seek to revise the scope of the CTEP project for Nostalgic Lighting to incorporate some additional areas proposed to have lights installed.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3196, A RESOLUTION LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO., 20 FOR 100 PER CENT OF COSTS FOR FISCAL YEAR 2001-2002 ESTIMATED TO BE IN THE AMOUNT OF \$43,000.00. Open for public hearing. No public comments.

All in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3197, A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN COLLECTIVE BARGAINING AGREEMENT WITH LOCAL 630 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

All in favor, Motion passed.

Resolution No. 3198, A RESOLUTION AMENDING THE CITY OF LIVINGSTON'S POLICY MANUAL FOR EMPLOYEES AND PROCEDURES MANUAL FOR EMPLOYEES BY AUTHORIZING FIREFIGHTERS TO LIVE 5 MILES RADIUS FROM THE CITY-COUNTY COMPLEX. No action taken. Resolution died.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3198A, A RESOLUTION AMENDING THE CITY OF LIVINGSTON'S POLICY MANUAL FOR EMPLOYEES AND PROCEDURES MANUAL FOR EMPLOYEES BY AUTHORIZING CITY EMPLOYEES TO LIVE WITHIN 5 MILES RADIUS FROM THE CITY-COUNTY COMPLEX.

All in favor, Motion passed.

#### ACTION ITEMS:

- A. The Commission took no action on directing the City Attorney to develop legal documents to allow Fred Bell and Gene Cook's Right-of-Way on the City Water Tank Tract. Discussion was heard by the City Commission and it was determined to post-pone this decision until the next City Commission meeting when more information could be provided and possible wording for a temporary assessment.

- B. Motion was made by Doyle, second by Blakeman, to authorize the City Manager to sign a letter of Support HRDC \$400,000 HOME grant application. The Grant will be used to purchase and rehabilitate the Sherwood Inn Apartments, and preserve the affordable housing units.

All in favor, Motion passed.

- C. Motion was made by Doyle, second by Blakeman, to approve support of Application for the Old East Side School Needs Assessment Grant for assistance in adapting re-use of the facility. Nicole McClain, Historic Preservation Officer has recommended starting with Phase I, #1 - Initial Visual Structural Analysis and Phase II, #2 - Comprehensive Structural Analysis. The City Commission discussed the recommendations. Nicole McClain and Bob Ebinger, Historic Preservation Chairman, gave background information to this project. They will summarize figures for grants requested for the City Commission at a later date.

Rusty Calier, with Allied Engineers, explained the stepped approach for analysis of the building. He stated that the Engineer would need original drawings for the building to identify accurate structural endurance for earthquake stability. If such original drawings are not available, he estimated that it would cost approximately \$4800.00 to develop the needed information, which would be cost in addition to the visual structural analysis and computer modeled structural analysis. The Manager was directed to make every effort to find the plans for the Old East Side School.

All in favor, Motion passed.

- D. Motion was made by Doyle, second by Blakeman, to consider request for lease of the Old East Side School by "Even Start Program". Kim Heist, Director of the Living Partners Program, gave an introduction to the project and the background that introduced this project. The City Manager recommended that the request for base of the building be denied in order to maintain flexibility in use or possible demolition of the building consistent with the City's proposal for use of the building or site for the Detention Center. Discussion was heard by the City Commission and it was determined that they would consider a proposal for lease of the Old East Side School. The City Manager was directed to get with the Even Start Program and request a proposal for lease of the entire building, less storage that is currently in use.

All in favor, Motion passed.

- E. Nicole McClann, Historic Preservation Officer, along with Bob Ebinger, Historic Preservation Chairman, gave some information on Historic Preservation Board's proposal to seek nomination of the Old East Side School for the National Historic Register, and the City Commission decided to consider the

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City's position on this nomination. A final decision was deferred to a future meeting pending the City Attorney's and the City Manager's review of implications.

- F. Toby McAdam's, proposed to place a Memorial in the City to memorialize the tragedy that occurred in New York, Washington D.C. and Pennsylvania on September 11, 2001. He requested that the memorial be placed at the triangular public space by 9<sup>th</sup> Street with the Bozeman Trail memorial. The proposal was for a plaque of some form with names of the individuals who lost their lives during the terrorist attacks. Stevens stated that there would be a Candle-lite service on Tuesday night to accommodate the grief that everyone is feeling. Doyle commented that the placement of a Memorial should not be planned by City Staff and questioned if a more immediate form of help to the victims and communities might be appropriate. The City Commission agreed with Mr. Doyle that it did not want to consider a memorial at this time, but might consider a proposal in the future.
- G. Motion was made by Doyle, second by Stevens, to approve considering initiation of a formal humanitarian support response for the World Trade Center, Pentagon and Pennsylvania tragedies. Golnar stated that the City Commission should designate a City Commission representative for this project. Caron Cooper, Chairwoman, volunteered to be on the committee and also AnnaMarie Barber offered to give her assistance. The City Commission will establish a fund for the relief and directed the Finance Director, Shirley Ewan, to set up a separate account for this organization.

All in favor, Motion passed.

- H. Motion was made by Stevens, second by Barber, to adopt City Manager's 90 day Goals/Priorities on page summary. The Manager was to further refine with Commissioner Blakeman his working list of pending tasks to allow for periodic reporting of program.

All in favor, Motion passed.

Chairwoman Cooper called for a 10-minute break to continue the City Commission Meeting at 9:50 p.m. The meeting went back into open session at 10:00 p.m.

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

- Police Chief Conditional Appointment made permanent as of September 11, 2001 – Congratulations Darren!
- Economic Development Lead Organization. The Chamber of Commerce was designated by City Resolution to be the Lead Organization for the certified communities program only. The City and County Commissions conceptually agreed and informally directed that the Chamber of Commerce Economic Development Alliance become the lead economic

development organization to include Loan Program Administration. The City Manager, Economic Development Alliance, Department of Commerce and others have been moving toward making it possible to contract with a non-profit economic development group, once its board is populated, a director is on board and they have a corporate identity.

- BN Livingston Shop Complex Record of Decision received. Golnar will seek to get a summary analysis from Park County Environmental Council's technical assistance person to the City Commissioners.
- Skate Board Park Status. The project was partially erected Saturday, September 15, 2001 and is going very well. Doyle gave an update on this project.
- Magnesium Chloride being considered as part of Street Maintenance District for North Hill Streets. Research describing the run off impact of such and significant movement of this chemical was requested by Commissioner Stevens. Stevens went on to volunteer assistance in finding this information.
- Sidewalks along Front Streets.
- A thank you from Naganohara for recent exchange.
- A letter to Big Sky Asphalt demanding them to proceed immediately with Chinook Street repairs.
- Noise (Boom-box) complaint.
- Yellowstone County Board of Directors opening.
- Reminded City Commission of the Urban Design Commission Workshop at 7:00 p.m. on September 27, 2001.

Golnar commented that on the Calendar of Activities & Events that "The Inside Story on film making" - on Economic Development that was scheduled for September 21<sup>st</sup> and 22<sup>nd</sup> has been cancelled until a later date.

Commissioner Doyle Comments:

- Had received a complaint about dogs soiling the downtown area with their droppings.

Commissioner Stevens Comments:

- Noted Mayor's Landing Clean-up on September 22, 2001 at 11:00 a.m. thru 1:00 p.m.
- Mentioned that the Commission might want to reconsider Parking tickets relating to Street Sweeping in order to keep the streets clean, as many people do not move their cars to accommodate the street sweeper.

Chairwoman Cooper Comments:

- The use of Dirt Bikes on the High Ground in the City needs to be addressed by the Police Chief as to what authority can be demonstrated.
- Wants summary of Street-Sweeping Program for the year of 2001.

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- Reported that a Blood Drive will be held on Thursday, September 20, 2001.

Commissioner Blakeman Comments:

- The interview with Darren Raney on the Radio had a positive effect on the community. She hoped that he continues to do this for the listeners.
- Extended a thank you to the Animal Control Officer for helping pick up garbage.

No public comments.

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

The time was 10:30 p.m.

ATTEST:

APPROVED:

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RECORDING SECRETARY

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CHAIRWOMAN, CITY COMMISSION

**Livingston  
City Commission Meeting  
October 1, 2001  
7:30 p.m.**

The Livingston City Commission met in regular session on Monday, October 1, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were AnnaMarie Barber, Caron Cooper, Tim Stevens, Mike Doyle and Vicki Blakeman.

Motion was made by Stevens, second by Blakeman, to approve the following consent items:

- Approve September 17, 2001 Regular City Commission Meeting Minutes.
- Accept Bills and Claims in the amount of \$78,635.50.
- Authorize temporary exemption from 5 mile City employee residential radius for Pam Payovich, Administrative Support/Recording Secretary.
- Confirm City Manager's Appointment of Steve McCann to Police Commission.
- Reject Ambulance Retrofit Bids.
- Review Bids for Lagoon Stabilization Project – No bids received. City Manager will revise bid specifications and re-bid for consideration by City Commission at their October 15, 2001 meeting.

Doyle questioned how the Police Commission appointee would be involved in the management of the Police Department. Golnar commented that the Police Commission's role is limited to recommending hiring of Police Officers and reviewing employee appeals about discipline. He added that the City Commission can re-evaluate confirmation of the appointment to this position at the end of the term in May of 2002.

Stevens questioned if the exemption from the 5-mile City Employee residential radius for Pam Payovich would only be temporary. Golnar stated yes and noted he would update to the Commission as to when Pam Payovich moves into the City of Livingston residential radius.

Blakeman asked if the Bids request for the Lagoon Stabilization Project are for the wall for the Swimming Pool. Ken Kastelitz, Superintendent of Public Services stated yes. Stevens asked about the rock pile that was lying near the Lagoon. Kastelitz stated that the bid specifications would be revised to require a one-year warranty instead of a five-year warranty.



All in favor, Motion passed.

Trygg Heintz, of 112 Yellowstone, made a scheduled public comment about the Boom Box-Noise Pollution problem. Chairwoman, Caron Cooper stated that this was not an Agenda Item and that the Commission would discuss this at the end of the meeting to decide where to go with this addressed item.

Karen Ford was on the Agenda relating to a Complaint about a Citation for too many dogs at her residence but was not present at the City Commission meeting.

Motion was made by Doyle, second by Blakeman, to consider a request for Waiver of Civic Center Rental Fee for Benefit for September 11<sup>th</sup> victims and their families with the provision that a security deposit of \$100.00 be provided.

All in favor, Motion passed.

Motion was made by Stevens, second by Barber, to approve the Special Event Benefit for the September 11<sup>th</sup> victims on October 21, 2001 with the condition that the City be named as an additional insured on a Liability Insurance Policy obtained by the organizers or a sponsor. Golnar recommended approving that this event move forward subject to the conditions: that proof of liability insurance be provided, that the Sanitarian approves the food preparation plan, and that Mr. Kastelitz's concerns about the gym floor be addressed. William Koch was present and gave background on this project for the Community. Several groups within the City want to perform in this event. It was suggested that proof of Liability Insurance be provided to the City Manager by Friday, October 5, 2001. Ken Kastelitz stated that no dancing should be allowed at this event due to concerns about ruining the seal on the basketball floor. If the Commission did permit dancing then floor mats should be used to minimize the damage. Stevens asked the Chief of Police, Darren Raney, about having a Police escort at this event and if the streets would be blocked off at the event. Raney stated that he was comfortable that they did not need to have streets blocked off or a Police escort. He said that there would be enough Police Officers at the event to cover any unexpected disturbance. Blakeman asked what type of food would be served at this event. Golnar stated that concessions would include hot dogs, chips and pop and that the City Sanitarian will review preparation of food and certify that that meet the health requirements.

All in favor of approving the event subject to the conditions identified by Staff, Motion passed.

Motion was made by Stevens, second by Doyle, to authorize bidding for a used or demonstration Model Ambulance rather than a Chassis and Cab Replacement. Bob Brown, acting Fire Chief, gave background information on this bid.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to co-sponsor a DEQ Orientation session on the BN Rail-yard Clean-up-record of decision.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve the application of magnesium chloride on some gravel streets on the North Hill on a trial basis.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to have the City intervene in the lawsuit filed by the Greater Yellowstone Coalition and Park County Environmental Council against the County relating to a recent County Zone change in the City-County Planning area. City Attorney, Bruce Becker, gave background information, identified where this property is located and advised the Commission to intervene in this lawsuit to protect the City's rights and interests.

All in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to authorize City Support of up to \$705.00 for a proposed Historic Preservation Workshop for the Old East Side School and have these funds taken out of the Maintenance Fund for the Old East Side School. Golnar stated that the deadline was very near for applying for funding of the proposed Workshop with the Montana Preservation Alliance on it's potential uses and re-uses of the Old East Side School building. Nicole McClain, Historic Preservation Officer, gave information on the Workshop. Doyle stated that the City should keep in mind what the priority needs are for the use of the Old East Side School for Administrative office expansion, storage space and Detention Center facilities.

All in favor, Motion passed.

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

- Manager's 90 Day Goals/Priorities and Monthly Reporting format. He will give updates of these goals/priorities early next week.
- Administrative/Recording Secretary Appointment. Pam Payovich has been confirmed as the Administrative/Recording Secretary.
- Review Draft Letter to Mr. Hicks and Mr. Burns relating to Street Maintenance District complaint. Mr. Becker has verified that the number of lots assessed was reduced at the City's direction by the County Assessor. The City Attorney and the City Manager are satisfied that the Commission actions as to which lots should be assessed for Street Maintenance for the Hicks and Burns properties under debate have been implemented.
- Motorcycles on North Hill Report on Request for Enforcement. A summary from Chief Raney was available for follow-up on the enforcement of motorcycles on private property on the North Side Hill.
- Monitoring of Legal/Civil Pending Issues. – This list will be updated periodically by the City Attorney and the City Manager to ensure that the issues are being identified and followed through with.
- Historic Preservation of Old East Side School. – It has been identified by the City Attorney that anyone can nominate a public building for the National Register. The City may object to the nomination but a local government objection would not stop the placing of the building on the National Historic Register. The Attorney also concluded that designation does not prevent the building from being demolished at a later date unless federal money is used.
- Grant Update. – A new grant program from the Department of Commerce has been designed to stabilize Montana communities impacted last year by the 2000 Montana Wild Fires. The Economic Development Alliance will be consulted to determine how the City wishes to proceed with a possible application. Also notification has been provided to the Depot and the City Staff relating to 2001 CTEP project funding. Tentatively approved projects include the Depot roof and structural stabilization design and a sidewalk design and inspection project proposed by the Staff. The City Manager anticipates requesting the Commission's approval to enter into funding agreements, at a future City Commission meeting.
- Cook/Bell Property Access Request is still under investigation. Mr. Golnar and Mr. Becker will contact Mr. Hall before making a recommendation.

The City Manager noted that the City office would be open on November 23, 2001. He pointed out that this was inaccurately reported in the Calendar of Activities & Events.

Commissioner Doyle Comments:

- Skate Park Update – They are seeking more help to finish improvements to the facility and to provide continuous maintenance of it.

Commissioner Stevens Comments:

- Interested in reviewing the joint City/County five response mutual aid agreement.
- Board of Adjustments. Recommendations may need to be re-advertised to get people to apply.
- Thanks to the City Staff for getting involved in the Mayor's Landing Clean-up.

Chairwoman Cooper Comments:

- Does not think that the noise pollution is a problem in the City. She felt that the Police Department did not have adequate resources to get involved with the Noise Pollution issue.
- Thanks to Mr. Stevens for doing the research on the safety of magnesium chloride, which was proposed to be used on City streets.
- Would like to have a time-frame from Entranco on when the Urban Design Plan would be initiated.
- Questioned the City Manager on the possibilities of using CTEP Sidewalk Design funds to help fund Entranco's work.

Commissioner Blakeman Comments:

- Welcomed Pam Payovich as the Administrative/Recording Secretary.
- Requested that the recommendation for the Yellowstone Country Board appointment be placed on the Agenda for the October 15, 2001 meeting.

Public Comments:

- Jay Booth, Park County Press, asked if the Detention Center would be the priority for the Old East Side School. Stevens responded by stating that it was an alternative use for the Old East Side School and a proposal that the Commission has made before to the Detention Committee.

- Jim Barrett, 231 South H Street, spoke on Noise Pollution. He commented that there is an issue of noise in the City. The noise is very disturbing to the City as a community. There is an ordinance in the past history in the laws. There are appropriate places for noise and that's not necessarily in the City.

Motion was made by Doyle, second by Blakeman, to adjourn the meeting there being no further business. Motion passed.

The time was 9:15 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION

**Livingston  
City Commission Meeting  
October 15, 2001  
7:30 p.m.**

The Livingston City Commission met in regular session on Monday, October 15, 2001, 7:30 p.m. in the Community Room at the City/County Building. City Commissioners present were AnnaMarie Barber, Caron Cooper, Tim Stevens and Vicki Blakeman. Mike Doyle arrived later during the session.

Motion was made by Stevens, second by Blakeman, to approve the following consent items:

- Approve October 1, 2001 regular City Commission Meeting minutes.
- Accept Bills and Claims in the amount of \$95,069.15.
- Confirm Department Head Monthly Reports and Other minutes.
- Approve Creepy Kids and Crawly Critters Costume Parade Special Event scheduled for October 27<sup>th</sup> at 1:00 p.m.
- Approve Bids for Lagoon Stabilization Project.
- Review Bids for Ambulance Demonstration Model.

Chairwoman, Caron Cooper, also added consent items to approve payment of two bills for attendance at a Conference for Meter Reading for the Water Department. The bills amounted to \$100.00 for Convention registration costs and \$631.00 for Airplane Tickets for two people.

Mr. Stevens asked if the City was supplying the Rock for the Lagoon Project and if it was included in the cost of the project. Golnar answered by stating that the City is supplying the Rock and the cost of rock was not included in the bid.

Stevens also asked if the City was going to trade in the old Ambulance or keep it as a 4<sup>th</sup> Ambulance. Golnar stated that that decision had not been determined. A recommendation was requested to be given by the Acting Fire Chief, Bob Brown, by the 2<sup>nd</sup> City Commission meeting in November. Blakeman asked when the Ambulance was going to be delivered. Golnar stated that the Demonstration Model was in Billings and that the City would be picking it up within a week.

All in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3199, **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING SEWER MAIN EXTENSION IN BLOCK 36 OF THE PARK ADDITION TO THE CITY OF LIVINGSTON AND LOCATED IN THE ALLEY BETWEEN 8<sup>TH</sup> AND 9<sup>TH</sup> STREETS BETWEEN RIVER DRIVE (F/K/A CLARENCE) AND CAMBRIDGE STREET EXTENDED.**

Stevens questioned when the Septic Tank is no longer usable would the landowner be required to hook-up to the City and would they share the cost of the fees.

Golnar commented that there is a 150' rule and that if you are less than this from the Sewer Main, the City can require the resident to be hooked on to the City Sewer Main at the owner's expense. The timing as to when the property owner who is currently on a septic system will be required to hook on to the City's Sewer System will be addressed separately after further consultation with Staff.

All in favor, Motion passed.

Motion was made by Doyle, second by Barber, to approve Resolution No. 3200, **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING 10 YEAR INFRASTRUCTURE REPLACEMENT PLAN.**

Clint Tinsley, Supt. Public Utilities, summarized the information for this recommendation. Stevens recognized that Tinsley has put a lot of work into this project and that it would be a workable plan.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3201, **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PAYBACK AGREEMENT.**

This payback agreement was with Miyoko Batten for 25% of the cost of a sewer main extension installed in the alley of South 8<sup>th</sup> and 9<sup>th</sup> streets. The payback amount was \$3,496.25.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to review and approve response to Park County Detention Center Committee's interest in the property to the west and north of the East Side School for the purposes of building a facility on the land between the current Courthouse and the School as amended. Golnar gave background information on this matter and presented a draft letter written to the Park County Detention Center Committee. The Commission authorized the City Manager to sign this letter with revisions.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve City Appointment to Yellowstone County Montana Board of Directors, Patricia M. Miller, and have City Manager write her a letter welcoming her and informing her of the City's interest in expanding or redistributing the lodging task and asking for her to maintain an open mind to this concept and Patricia's support in working with the Yellowstone Country Board.

All in favor, Motion passed.

Motion was made by Stevens, second by Doyle, to review Draft School Resource Officer Interlocal Agreement between Livingston School District No. 1 and No. 4 and

the City of Livingston to direct the City Attorney to prepare a Resolution authorizing the City Manager's signature. Golnar gave information concerning this agreement.

The Commission discussed that the review of this program should involve the community and students. It was agreed that feedback from the community and the students provided to the City Commission would be very beneficial in evaluating the effectiveness of this program.

All in favor, Motion passed.

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

- The City Attorney has informed him that the County Commissioner's are scheduled to rescind their action to rezone the 200 acres at the East Interchange at 11:00 a.m., October 15<sup>th</sup> in the County Commissioner's Chambers. They will then consider a motion to pass a Resolution of Intent to Rezone that acreage at the same meeting.
- Hicks/Burns - The Manager has received a letter October 6, 2001, on their street maintenance assessment district concerns. He has set up a meeting this week to discuss this issue.
- Copies of personnel policies will be provided to all employees with all recent revisions included.
- Bell/Cook Easement request - He will be meeting with the City Attorney before completing this recommendation.
- Ken Kastelitz will provide a summary of Street Sweeping Program for the year 2001, at the next City Commission meeting.
- He will meet with the City Attorney to verify Skate Park Insurance Certification with the Montana Municipal Insurance Authority.
- Board of Adjustments openings continue to be advertised. We should hear from any interested parties by the next meeting.
- Magnesium Chloride application of the North Hill has been postponed until the Spring of 2002 due to the contractors concerns about the effectiveness of the application at this time.
- The Immediate Response Agreement between the City and the County is under review at this time and we should have a recommendation for the next Commission meeting.
- Grant Status - A City request for a Montana Board of Crime Control Grant for investigative equipment amounting to \$8,378.84 was not approved. The equipment will not be purchased, as we did not receive the grant. Staff will consider what can be afforded with the City match, which was budgeted.
- The Manager is beginning to schedule performance evaluations. Such a schedule will be developed by the end of October.



Commissioner Blakeman Comments:

- Stated that the Economic Alliance meeting is scheduled for October 24, 2001, at 6:30 p.m. at the YMI.
- Reminder that the State of the Chamber meeting is tomorrow, October 16, 2001, at 5:30 p.m. at the Depot Center.

Chairwoman Cooper Comments:

- Questioned the meeting on the Rezoning. Golnar stated that the County Commissioner rescinded their action for rezoning the property and passed a Resolution of Intent to clarify the problems that they had with the legal description in their first resolution to rezone. Notice of this resolution of intent to rezone will be published twice. Becker stated that those who can comment have to own property in the donut area, 4.5-mile radius from the City's borders.
- A proposed Solid Waste Workshop was scheduled for November 13, 2001, at 7:00 p.m.
- Ms. Cooper had one call relating to the house under construction on High Ground road and wanted the City Attorney to summarize what is going on with this issue and what the next step would be. Becker stated that the people have hired an attorney and he has given the attorney a copy of the City files. Becker is trying to schedule a meeting with their attorney to be able to inspect residence for building code compliance. Becker will give feedback to the City Commission after he meets with their attorney.

Commissioner Stevens Comments:

- Thanks to the Fire Department for their involvement in the Safety Seat Requirement for children.
- Regarding the Solid Waste Workshop scheduled November 13, 2001, he questioned why the current City Commission would be involved in this. Golnar stated that he hoped that current and newly elected Commissioners could attend the meeting to allow for a plan to be developed for implementation with the FY 2002-03 budget.
- Stated that there is a big sign for Sale of Property on West Park by Montana Power Building and wanted to know what the standard disclosure requirement for the Realtor to put forth on that property is promoted that any building that would go there would have to have significant zoning variances authorized. City Attorney commented that he would get in contact with the Realtor and update the City Commission about this matter.

Commissioner Doyle Comments:

- Why didn't we get the grant money for the Montana Board of Crime Control investigative equipment? Golnar answered by saying that they

did not have enough money to meet all requests and since the City had received this grant last year, they decided to give it to others.

Public Comments:

- Bob Ebinger, at 128 South Yellowstone, commented that the letter to the City Commission about the Detention Center facility related to a proposal for a residential 32 bed facility for the Old East Side School building with possible future expansion.
- Lenny Gregory questioned what the Old East Side School is being used for currently. Golnar stated that it is being used for Storage for the City.

Motion was made by Doyle, second by Barber, to adjourn the meeting there being no further business. Motion passed.

The time was 8:40 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION

Livingston  
City Commission Meeting  
November 5, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 5, 2001, 7:30 a.m. in the Community Room at the City/County Building. City Commissioners present were Tim Stevens, Mike Doyle, Vicki Blakeman and Caron Cooper. AnnaMarie Barber arrived later during the session.

Motion was made by Doyle, second by Blakeman, to approve the following consent items:

- Approve October 15, 2001 regular City Commission Meeting minutes.
- Accept Bills and Claims in the amount of \$127,997.75.
- Approve location of Baseball Storage Shed in Baseball Association Complex.

All in favor, Motion passed.

Chairwoman, Cooper, interjected with a non-agended item proclaiming that Saturday, November 10<sup>th</sup>, shall be recognized as "Buddy Poppy Day".

Public comments were scheduled for Dillon Shorter and Rachel Kinkie to speak on the School Resource Officer but they did not attend the meeting.

Motion was made by Doyle, second by Blakeman, to approve the Finding of Fact Variance for Titica, at 411 North 11<sup>th</sup> Street. Jim Woodhull, City Planner, gave a presentation about these variances. Stevens asked if the house was being built on the dead end of 11<sup>th</sup> Street which slopes down to the Bowling Alley. Woodhull stated that yes this is the access directly behind 11<sup>th</sup> Street. Woodhull also stated that this piece of property was acquired after disclosure.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve the request for the Titica Variance at 411 North 11<sup>th</sup> Street - requesting a variance from the front setback requirement for RII zoning districts. He wishes to build a foundation and move an existing house onto this vacant parcel.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve the Fact Finding of Variance for Gravage, at 629 North 2<sup>nd</sup> Street.

All in favor, Motion passed.

Motion was made by Stevens, second by Doyle, to approve the request for the Gravage Variance at 629 North 2<sup>nd</sup> Street, requesting a variance from the side setback requirement for RII zoning districts. They wish to re-build an existing carport and add an overhang onto the new roof.

All in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3202, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH PARK COUNTY, MONTANA, TO CONTINUE D.A.R.E. PROGRAM IN SCHOOL SYSTEM OUTSIDE OF THE CITY OF LIVINGSTON.

All in favor, Motion passed.

Motion was made by Blakeman, second by Doyle, to approve Resolution No. 3203, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SELL 10 HAND HELD POLICE RADIOS TO RURAL FIRE DISTRICTS AND DIRECTING THAT NOTICE BE PUBLISHED AS REQUIRED BY LAW. Stevens questioned if the City is able to specify who to sell these radios to or do we take the highest bidder. Becker, City Attorney, stated that we could sell extra property to other governmental units. Golnar mentioned that the proposal was to sell the radios for \$200 each to another governmental agency, which was the figure anticipated in the budget. Also Golnar stated that this was a Resolution of Intent and that a Public Hearing will be scheduled at the next meeting concerning this Resolution and sale.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3204, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING A CASH RESERVE/RESTRICTED ACCOUNTS POLICY AS PART OF ITS OVERALL FISCAL POLICY FOR FISCAL YEAR 01-02. Golnar stated that this is a policy that we do every year after we complete the audit so that we can identify accurate restricted cash balances. Blakeman asked if this was a continuing policy? Golnar stated that yes, that we do this on an annual basis in coordination with our budget process.

All in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3205, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING A FIXED ASSET POLICY OF THE CITY OF LIVINGSTON. Golnar gave background information on this Resolution.

All in favor, Motion passed.

Motion was made by Doyle, second by Barber, to approve Resolution No. 3206, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE LOAN OF \$64,000 FROM THE GENERAL FUND ACCOUNT #1000 TO THE AMBULANCE FUND ACCOUNT #5510 FOR THE PURCHASE OF AN AMBULANCE. Blakeman asked if we had received the Ambulance? Golnar stated that yes we have received the Ambulance.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3207, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR PUBLIC LIBRARY. Golnar that this was the

ame agreement as provided in the last packet at the meeting on October 15<sup>th</sup> except that the language was changed to reflect the laws have recently passed allowing for a floating mill levy to be imposed.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3208, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT FOR SCHOOL RESOURCE OFFICER FUNDING. The Commission asked that the Resource Officer report to the Commission on a periodic basis as to whether the program is performing as proposed for our community and the students. Golnar gave background information on this Resolution with confirmation from Darren Raney, Police Chief, about the support from the students. It was asked by the Commission that City Manager, Steve Golnar, write a letter to the student body welcoming them to call or comment to the City Commission so that the students know that they have a formal avenue to vent their concerns.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3209, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3210, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PLEDGING FINANCIAL AND COMMUNITY SUPPORT FOR AMTRAK TO PERFORM AN ENGINEERING AND OPERATING STUDY FOR A SOUTHERN MONTANA PASSENGER ROUTE.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to review and approve response to Park County Detention Center Committee's interest in the property to the west and north of the East Side School for the purposes of building a facility on the land between the current Courthouse and the School as amended. Golnar gave background information on this matter and presented a draft letter written to the Park County Detention Center Committee. The Commission authorized the City Manager to sign this letter with revisions.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to concur nomination for "H" Street from Park to Butte Street as an Urban Systems Project.

All in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve as written the Draft Protest of Amendment to the Official Map or Text of the City-County Zoning Resolution for the Livingston City-County Planning area from Agricultural to Commercial.

All in favor, Motion passed.

Motion was made by Stevens, second by Doyle, to approve the purchase of the Hicks/Burns property (5 lots of Block 39) contingent upon budget for availability for \$1975.00. Mr. Burns gave background information pertaining to the exchange and his past Street Maintenance District assessment disputes which it would resolve. These lots are directly behind the Museum, which is a pedestrian short-cut to Gallatin Street. The Commission was generally in concurrence that this would benefit the City in a positive way. In conclusion, the City Commission requested that the City Manager have a Resolution proposal authorizing him to sign an agreement with Hicks/Burns to accomplish this transaction.

All in favor, Motion passed.

No action was taken to approve Carpet Bids for the City/County common areas (Community Room and West Room) or for the City Administrative and Police Offices.

Discussion with the Commission was reviewed to revise Scope of Work for the Urban Design Project, which is in follow-up to the consultant's contract with Entranco Pre-Design Scoping Contract. Golnar gave background information on this project. Golnar also stated that he is working on developing options for funding tasks for the Commission's consideration with the consultant, Mr. Walzak, with Entranco. The City Commission asked to have a presentation by the Finance Officer at the next meeting of use of Reserve Funds for this project.

A five (5) minute recess was taken at 9:15 p.m. to review Addendum provided. The meeting was back in session at 9:20 p.m.

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

1. City Manager's October Progress Report - (To be completed later this week).
2. Communications.
  - Montana Municipal Insurance Authority Board Vacancy.
  - 3<sup>rd</sup> Quarter 2001 Stillwater Mining Company Impact Monitoring Report.
  - Request for City Hall to be used as a collection point for the Olympic Torch Run on January 28, 2001.
3. Administrative Tasks Pending.
  - City-Rural Fire Automatic Aid Agreement Review Postponed.
  - Appointment to Yellowstone Country Montana Board representative for Livingston.
  - Fire Chief selection process.
  - City Co-Sponsorship of Livingston Rail-yard Clean-up Status Meeting - November 14, 2001, at 7:00 p.m.
  - The City of Livingston, Urban Transportation Committee Proposal for Joint Solution to Park and B Street Left Turn Signal Installation.
  - Review Livingston Urban Transportation Committee memo regarding requests for two additional ex-officio members to be voting members of the Transportation Committee denied.
  - Wind Generator Contract with Dr. Healow.

- Summary of Background Mayor's Landing Project.
- Census 2000 count question Resolution.
- Biological Threat Protocols being developed by City and County departments.
- Media releases – Police Chief's report in the Park County Press and Press Release by Rocky Mountain Emergency Service Training Center about Acting Fire Chief, Bob Brown's involvement with Montana's First Disaster Medical Assistance Team.

#### Projects Pending.

##### Mayor's Landing

- Chinook Street Infrastructure Project – 5<sup>th</sup> to 9<sup>th</sup> Street. Final walk through in mid-November.

#### Plans Pending.

##### Urban Design Entranco.

- 10 year Infrastructure Improvement Plan, use of Urban System's funds.
- The Park and 5<sup>th</sup> Street Urban Design Pilot Project.

#### Commissioner Stevens Comments:

- Commented on selection of Design Consultant of all proposals.
- Thanked Steve Golnar, City Manager, for his preparation and participation in coordinating the Mayor's Landing Community meeting.

#### Commissioner Doyle Comments:

- Stated that there is a vacancy on the Communications Advisory Committee.
- Relating to the Skate Park, the American Lutheran Woman gave \$500.00 for the further development of the Park.
- Wished the Commission candidates success in the election!

#### Chairwoman Cooper Comments:

- Asked about proposal for joint solution to Park & B Street Left Turn Signal.
- Commented on the sign at the HRDC building – No motorized vehicles is damaged.
- Asked is there was any progress on the property on the High Ground. City Attorney, Bruce Becker, stated that he had received a phone call from one of the owners and directed them they he could not talk to them as they have an Attorney.

#### Public Comments:

Lenny Gregrey, 429 South 9<sup>th</sup> Street, asked about the 4<sup>th</sup> Ambulance recommendation report from the Fire Chief. Chairwoman, Caron Cooper commented that this report would be provided at the next meeting.

Motion was made by Doyle, second by Stevens, to adjourn the meeting there being no further business. Motion passed.

The time was 9:30 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
November 19, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 19, 2001, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Caron Cooper, Tim Stevens, Mike Doyle, Vicki Blakeman and AnnaMarie Barber.

Motion was made by Blakeman, second by Stevens, to approve the following consent items:

- Approve November 5, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$39,248.72.
- Department Head monthly reports and other minutes.

All in favor. Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Finding of Fact for Variance of Mr. Selkirk, owner of property located at 809 East Gallatin Street, requesting a variance from the front setback requirement for RII(MH) zoning districts. Mr. Selkirk wished to place a mobile home on his parcel next to the existing house. City Planner, Jim Woodhull, stated that Mr. Selkirk has withdrawn his request.

All in favor, Motion passed.

Motion was made by Doyle, second by Stevens, to disapprove Mr. Selkirk's variance request.

All in favor, Motion passed.

A Public Hearing was scheduled on resolution No. 3212 – **A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, SELLING 10 HAND HELD POLICE RADIOS TO RURAL FIRE DISTRICTS.** The intent of the City of Livingston is to sell 10 hand held police radios for \$200 per radio to Park County rural fire districts. The public hearing will be left open until the City Commission meeting on December 3, 2001 to allow for proper public notice.

Motion was made by Doyle, second by Stevens, to approve Resolution No. 3211 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND RATIFYING ACTION TAKEN BY CITY IN REJECTING AND READVERTISING BIDS FOR THE POLICE DISPATCH REMODELING PROJECT, NUNC PRO TUNC.** Bruce Becker, City Attorney, gave background information. Mr. Becker commented that this Resolution was proposed by the Attorney representing the City for Montana Municipal

Insurance Authority, as it would be the best for the City's interest. Dave Carter, the Plaintiff in an action involving this issue was present to oppose the action.

3 in favor, Motion passed.

Motion was made by Stevens, second by Doyle, to approve Resolution No. 3213 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING SEXUAL AND VIOLENT OFFENDER REGISTRATION FEE.**

There was discussion among the City Commission and the Police Department and the City Attorney, Bruce Becker, that the City cannot charge any more than actual costs for these offenders, which is \$20.00. All offenders have to register but a level III offender has to pay the additional costs of advertising.

All in favor, Motion passed.

Motion was made by Doyle, second by Barber, to approve Resolution No. 3214 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH FINANCE OFFICER.** City Manager, Steve Golnar, thanked Finance Officer, Shirley Ewan, for a job well done.

All in favor, Motion passed.

Motion was made by Barber, second by Blakeman, to approve Resolution No. 3215 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BURNS/HICKS.** Steve Golnar gave information as far as where the money was going to come from to pay for the property to meet its obligation in this agreement.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3216 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGENCY AGREEMENT WITH MONTANA LEAGUE OF CITIES AND TOWNS ENERGY SUPPLY PROGRAM.** Discussion was made with the City Commission and the City Manager. Chairwoman Cooper, asked what options we have and what would be the effect of the City and what are the advantages to get out of this agreement? City Manager, Steve Golnar commented that the term is a two (2) year commitment. It was asked among the City Commission that more information be given pertaining to this agreement.

No action was taken.

Motion was made by Doyle, second by Blakeman, to table Resolution No. 3216 until the next meeting requesting more background information from the City Manager.

4 in favor, Motion passed.

Motion was made by Barber, second by Stevens, to approve Resolution No. 3217 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT FOR TORCH RELAY SERVICES WITH THE SALT LAKE OLYMPIC COMMITTEE.** The City Manager, Steve Golnar, stated that this agreement is for hosting the Torch Relay and that this event will be January 28, 2002, at 8:00 a.m. to 10:00 a.m.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3218 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH THE SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002 FOR NON-COMMERCIAL USE OF DESIGNATED MARKS AND COPYRIGHTS.** Blakeman asked if the committee expects the licensed merchants in the City of Livingston to sell their merchandise for them? Golnar stated that its not expected of the merchants but they will be charged if they commercially use the logo.

All in favor, Motion passed.

Golnar gave information pertaining to the Resolutions of intent proposed in Resolution No. 3219 and 3219a. Finance Officer, Shirley Ewan, mentioned that the agenda provides two (2) options with different Resolutions of intent and public advertisements for budget amendments.

Resolution No. 3219 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$16,667 FROM GENERAL FUND RESERVE FUND #1000101410130350.** This budget amendment allowed for increases in appropriations sufficient to cover Task I which proposed to refine Urban Design vision for downtown and Park Street by accomplishing the following sub tasks. Data Collection Process, Issues, Opportunities and Constraints Analysis; Public Involvement and Design Workshop Process, and Community Visioning, Design Standards, Goals and Objectives.

Resolution died.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3219a – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR**

**FISCAL YEAR 2001-2002 BY APPROPRIATING \$45,287 FROM GENERAL FUND RESERVE FUND #1000101410130350.** This budget amendment allowed for increases in appropriations sufficient to cover Task I as described above and in addition as follows:

- Task 2 – Refine Capital Improvement Plan;
- Task 3 – Downtown Parking Inventory; and
- Task 4 – Proto-type Gateway Concept Design.

There was a short break in the meeting at 8:30 p.m. for the City Manager to obtain further information for the clarification of this Resolution. The meeting went back into session at 8:40 p.m. Commissioner Cooper questioned if a Resolution of Intent advertised for the maximum budget amendment, could the amount of a budget amendment passed by the Commission be reduced? The Attorney and City Manager confirmed that this could be done. Based upon this reasoning, the Commission asked for more specific information on Tasks 2, 3 and 4 to be presented at the next City Commission meeting prior to the Commission's decision to approve a budget amendment in the amount of \$45,287.00.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to adopt Resolution No. 3220 as amended – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$5000.00 FROM CAPITAL IMPROVEMENTS RESERVE FUND #4010.000.411810350.** This Resolution of intent is to amend budget by appropriating an additional \$5,000.00 from the Old East Side School Capital Improvements Reserve Fund as built drawings of the Old East Side School to allow for its structural analysis.

All in favor, Motion passed.

Action item to consider recommendation from Acting Fire Chief on whether the City should add a fourth ambulance to its fleet will be delayed until the next City Commission meeting on December 3, 2001.

Action item to consider a joint solution to Park and B Street left turn signal installation was tabled until the next meeting, December 3, 2001 so that the City Manager can give more information to the City Commission about this matter.

Motion was made by Blakeman, second by Barber, to direct City Attorney to draw up a Resolution to abandon the alley between "Q" and "R" Street and "R" Street alley and determine a future land path of Fleachman Creek. Steve Potenberg gave background information on this matter.

4 in favor, Motion passed.

A meeting will be held on Monday, November 26, 2001 at 6:00 p.m. to 8:00 p.m. with the City Commissioners and the City Manager to discuss and review engineering proposals for 5<sup>th</sup> and Park Street intersections and consultant selection schedule.

Motion was made by Doyle, second by Blakeman, to approve waiver of two (2) hour parking restriction in the downtown area during the holiday shopping season beginning on December 10<sup>th</sup> and extending through December 31<sup>st</sup>.

All in favor, Motion passed.

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

- City Managers Progress Reports from October 2001 and Partial November 2001.
- AT&T Notice on Cable Television Channel Changes.
- Olympic Torch Run Committee Being Organized.
- Distribution of the Resolution Pledging Financial and Community Support for AMTRAK Engineering and Operating Study.
- Summary of Recent Meetings Attended:
  - > Park County Development Corporation.
  - > City/County Meeting.
  - > Communications Advisory Committee.
  - > Economic Development Alliance Meeting.
- Junior Women's Club, M Street Park Improvements.

There were no City Commissioner comments.

Lenny Gregrey, 429 South 9<sup>th</sup> Street, gave a public comment to the City Commission. He commented about DEQ BNSF Railroad Yard Cleanup Progress on November 14, 2001, and the States General Policy to allow well drilling for irrigation purposes in a controlled ground water area.

The City Commission meeting went into executive session for the City Manager's evaluation at 9:55 p.m. The Chairwoman, Caron Cooper, made a determination that the session would be closed because the rights of the individual exceeded the public's right to know and the City Manager did not waive his right to privacy. The session ended at 10:30 p.m.

Motion was made by Blakeman, second by Stevens, to adjourn the meeting there being no further business. Motion passed.

The time was 10:31 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
December 3, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 3, 2001, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Caron Cooper, Tim Stevens, Mike Doyle, Vicki Blakeman and AnnaMarie Barber.

Motion was made by Stevens, second by Blakeman, to approve the following consent items:

- Approve November 19, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$82,263.15.
- Approve special event for Christmas in Paradise – Torch Light Parade on December 14, 2001 at 5:00 p.m. to 9:00 p.m.
- Authorize use of Civic Center for Christmas Dinner on Christmas Day and approve rental fee waiver.

City Manager, Steve Golnar, commented that the Civic Center would not be available until after 3:00 p.m. on Christmas Eve for set-up for the Christmas Day Dinner. Stevens asked if there would be insurance and the sign off of the Christmas Dinner. Golnar stated that the City has a Civic Center rental agreement that does not require proof of insurance unless alcohol is being served.

All in favor, Motion passed.

Scheduled Public Comments were given by the following:

Lenny Gregrey – 429 South 9<sup>th</sup> Street – Skateboard Park – commented that thousand of dollars were collected from various private sources and given to the City that were not accounted for. A list of private monies collected to the City was given to Mr. Gregrey from the City Manager for this activity. He also stated that he felt that the Skateboard Park is seldom being used. The location is dreadful, the ramps do not appear to offer a challenge to the user and they look like they will not last for more than another season. He felt that the purchase of the ramps was done in haste and not much thought was given in selecting a reputable vendor, due to the delivery and the quality of the ramps. He also mentioned the requirements for a chain link fence and bathroom was not required by the City's insurance company, as Bozeman's Skate Park is not fenced nor does it have a restroom located next to it. He believes that skateboarding is a legitimate recreational activity and that the City of Livingston should devote funding for this activity in the same capacity

as other recreation activities, i.e.; tennis, baseball, softball, soccer, horseshoes, swimming, etc.

Motion was made by Doyle, second by Barber, to approve Resolution No. 3212 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SELLING 10 HAND HELD POLICE RADIOS TO RURAL FIRE DISTRICTS.** No public comments given. A bid was provided by the Park County Rural Fire Council for the 10 King radios, chargers and accessories. The bid is \$200 per radio and equipment. No other bids were received.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to approve Resolution No. 3223 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$45,287 FROM GENERAL FUND RESERVE FUND #1000.101.410130.350.** Public comments were given by Sheryl Dahl of 121 East Callender Apt. #2. She noted concerns about pulling money from the reserve accounts. She felt that the City has already reached into its reserve fund and discouraged going in another \$50,000. She felt that the City should take a different approach by funding the project with a budget amendment in the smaller amount, which is \$16,997 and then go forward after the end of the fiscal year to consider any additional work to be done on Urban Design.

Lenny Gregrey gave additional comments concerning this Resolution. He was against amending the City budget for the Urban Design Study. He commented that the study would not be implemented and funds for the study should be used instead to fund improvements.

It was decided among the City Commission that the budget amendment for fiscal year 2001-2002 to retain services of Entranco for the Urban Design Study should be \$16,997 for Task 1 only, instead of \$45,287 for Tasks 1 through 4.

Motion was withdrawn both by Doyle and Blakeman.

Motion was made by Stevens, second by Barber, to approve Resolution No. 3223 as amended – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$16,997 FROM GENERAL FUND RESERVE FUND #1000.101.410130.350.**

All in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3224 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$5000.00 FROM CAPITAL IMPROVEMENT RESERVE FUND 4010.000.411810.350.** No public comments were given.



Golnar gave background information concerning this Resolution. No contract has been confirmed with Allied Engineering, but the Commission could still move forward in expanding appropriation authority to allow for a contract to be entered into once contract details are resolved.

All in favor, Motion passed.

Cassey Burns, Project Coordinator from Learning Partners, then gave a scheduled public comment. She gave information about continued interest in leasing of the Old East Side School from Learning Partners. Several organizations are still interested in leasing the Old East Side School for serving the community in health care, family support and education. They are waiting on the first Phase of the Old East Side School Study to determine structural stability before moving forward with their lease proposal.

Jeff Rupp from HRDC gave a scheduled public comment on background information and update of the Miles Building Rehabilitation CDBG Grant. He discussed Amendments to the Management Plan, Budget and Implementation Schedule. He requested approval to make three (3) changes to the CDBG contract:

1. Items to act as a General Contractor.
2. Budget Amendment.
3. Amending the existing CDBG agreement.

Golnar stated that there would need to be a Resolution on this at the next meeting for amending the existing CDBG agreement.

Motion was made by Stevens, second by Barber, to approve Resolution No. 3216 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGENCY AGREEMENT WITH MONTANA LEAGUE OF CITIES AND TOWNS ENERGY SUPPLY PROGRAM.**

All in favor, Motion passed.

Motion was made by Stevens, second by Barber, approve to table Resolution No. 3221 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE A PORTION OF "Q" STREET AND "R" STREET AND THE ALLEY BETWEEN "Q" AND "R" STREETS ADJACENT TO BLOCK "T" OF THE RIVERSIDE ADDITION, RESERVING UNTO THE PUBLIC AN ACCESS EASEMENT IN "Q" STREET.** Stevens had four (4) proposed changes to this Resolution.

1. Change from "walking" to non-motorized.
2. Grant abandonment for West half of "Q" Street and the East Half of "R" Street and on the Harrison former Right-of-Way on "R" Street. (20' Easement).
3. Other Issues:

8-20-1  


- a. Would the landowners be willing to agree to a City Easement along the creek?
  - b. Would the landowners agree to a 150' setback along the creek for building?
4. Shouldn't agreement be contingent upon the approval of the quiet title from the State?

*Stated* Cooper responded to Stevens' questions number ~~two (2)~~ and four (4) and stating "no". But agreed with other statements given.

Steve Potenberg of 411 East Callender Street gave additional background information concerning this Resolution as far as what the City Commission questioned. But had no definite answers at this time. He would like to meet with Bruce Becker, City Attorney and with the City Manager, Steve Golnar to confirm an agreement with the Commission by the next City Commission meeting.

Comments of concern from the City Commission wanted more time to review and determine the best solution to this proposal.

All in favor, Motion passed.

Motion was made by Stevens, second by Barber, to approve Resolution No. 3215 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CONTRACT WITH CITY MANAGER AND AUTHORIZING CHAIRMAN TO SIGN CONTRACT.**

All in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3225 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDMENT TO DISASTER MITIGATION AGREEMENT FOR EDA PROJECT NO. 05-69-03474.**

All in favor, Motion passed.

No action was taken on Resolution No. 3226 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH ALLIED ENGINEERING FOR EAST SIDE SCHOOL STUDY IN THE AMOUNT OF \$9,080.00.**

A 10-minute recess was taken at 9:05 p.m. The meeting went back into session at 9:15 p.m.

Motion was made by Stevens, second by Barber, to direct City Manager to write correspondence to TCC to indicate that the City is not interested in pursuing a left hand turn signal at Park & B Street installation.

All in favor, Motion passed.

Motion was made by Doyle, second by Barber, as amended to send letter from City Commission to Park High School Student Body Government regarding an open invitation to review and comment to the City on the School Resource Officer Program.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to direct City Manager to negotiate a contract with Skillings/Connolly for Design of 5<sup>th</sup> and Park Street Intersection and for Attorney to develop a Resolution authorizing City Manager's signature of said contract for next meeting.

All in favor, Motion passed.

Motion was made by Stevens, second by Barber, to authorize the Historical Society and Garden Club to improve Triangular Park between 9<sup>th</sup> Street, Callender and Park Streets subject to review and approval of the City.

All in favor, Motion passed.

Motion was made by Doyle, second by Blakeman, to direct City Attorney to develop a Public Easement on City Water Tank Tract to allow Fred Bell and Gene Cook access to their property. Mr. Hall gave background information on this property. He stated that there are two kinds of accesses; physical and legal. Three lots are in existence. He addressed the issue as it currently exists. He wants to grant an easement to the owners of the three lots and for all of those parties who access the various radio tower and speaker sites above the North Hill Reservoir.

All in favor, Motion passed.

Motion was made by Doyle to approve City's participation in revised City/County Complex Upper Level Carpeting Program in the amount \$3,706.50. No second.

Motion died.

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

- City Manager's fourth Ambulance Recommendation will be provided at the next meeting.
- City Manager's Completed Progress Reports for November 2001 to be provided at next meeting.
- Brown Fields Testing of Mayor's Landing began on November 30<sup>th</sup> under the City's technical assistance grant from EPA. This is in

preparation for possible re-grading of that site in coordination with the Site's redevelopment.

- Letters of support were provided by the City Manager for consolidated funding process for Governor's of the Yellowstone River Task Force EPA assistance.
- A response letter will be provided to the Junior Women's Club request for improvements of "M" Street Park.
- Letter of response will be provided about Handicapped participants and Dog Obedience Class. City Manager's response will be provided at the next meeting.
- Livingston Fire Department received \$2,222.00 in Grant Funds through the South West Fire Council. This was from a joint grant, which will allow for purchase of some pager replacements and requires a 10% match, which was budgeted for.
- City/County Meeting scheduled for December 5<sup>th</sup> is cancelled and will be rescheduled. The Commission suggested that it be scheduled before December 17<sup>th</sup>.

Commissioner Doyle comments:

- Status of Skateboard Park. Hopefully the ramps can be built before Christmas with the help of the community.

Commissioner Stevens comments:

- Reminded everyone of the Mayor's Landing Student Design meeting at MSU - Bozeman on Monday, December 10, 2001 at 9:00 a.m.
- Thanks to Mr. Doyle for all of his hard work on the Skateboard Park.

Commissioner Barber comments:

- 22 days left until Christmas! Please remember your local merchants and support them.

Commissioner Blakeman comments:

- She contacted the Christmas Decorating Committee and wanted everyone to know that the Christmas decorations in the City will go up on December 10<sup>th</sup> and anybody who would like to volunteer can contact Dave Truex at Truex TV & Appliance.

Chairwoman, Caron Cooper comments:

- Encouraged City Commissioners to take notes for the newly elected City Commissioners to pass-on issues to be followed up on.

Public Comments:

- Bob Ebinger of 128 Yellowstone Street commented on Resolution No. 3221 on the quiet title area. He feels that the City should consider the possibilities for access to Mayor's Landing and for easements to access potential trails, which may be developed community wide in the future. He mentioned that the City of Livingston is fortunate to have Nicole McClain as our Historic Preservation Officer. More money was given to

our City than any other City in Montana for a State Administrated Historic Preservation Grant funds last year.

Motion was made by Doyle, second by Blakeman, to adjourn the meeting there being no further business. Motion passed.

The time was 9:55 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
December 17, 2001  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 17, 2001, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Tim Stevens, Vicki Blakeman and Caron Cooper. Mike Doyle and AnnaMarie Barber were absent.

Motion was made by Stevens, second by Blakeman, to approve consent items and amend minutes as follows:

- Approve December 3, 2001 regular City Commission meeting minutes.
- Accept bills and claims in the amount of \$97,067.00.
- Approve Department Head Monthly Reports and Other Minutes.

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens to approve public hearing of Resolution No. 3227 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE BUDGET FOR FISCAL YEAR 2001-2002 BY APPROPRIATING \$775.00 FROM THE PARK IMPROVEMENT TRUST FUND #7094 RESTRICTED RESERVE ACCOUNT #7094.102020 TO OPERATING CASH ACCOUNT #7094.101000.** No public comments given. Steve Golnar gave background information about this resolution. He stated that there is \$775.00 in the restricted reserve account for the park improvement trust fund and that it was money that was designated by the City's "Use of Public Land Policy" that is restricted for future purchases of land or easements. We are using this money to purchase some property from Hicks/Burns, which they own in an effort to resolve past disputes.

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3228 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GRANTING A PUBLIC EASEMENT ACROSS WATER TANK TRACT.**

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3229 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AMENDMENT TO PROJECT MANAGEMENT PLAN PROPOSED BY THE HUMAN RESOURCE DEVELOPMENT COUNCIL (HRDC) FOR THE MILES BUILDING REHABILITATION.**

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3230 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH ENTRANCO FOR PHASE I OF THE URBAN DESIGN AND INTEGRATED IMPROVEMENT PLAN.**

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3231 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH PARK COUNTY WEED DISTRICT BOARD.**

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to accept Resolution No. 3232 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SELL A SURPLUS VEHICLE TO THE PARK COUNTY SHERIFF'S OFFICE AND DIRECTING THAT NOTICE BE PUBLISHED AS REQUIRED BY LAW.**

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3234 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH NELSON ENGINEERING AND ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR SPECIAL IMPROVEMENT DISTRICTS.**

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Resolution No. 3235 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER AGREEMENT WITH NELSON ENGINEERING & ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR INFRASTRUCTURE PROJECTS.**

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Resolution No. 3236 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING WASTEWATER TREATMENT PLANT FACILITIES STUDY PREPARED BY MORRISION-MAIERLE ENGINEERS.**

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to approve Ordinance No. 1907 First Reading as amended – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER § 13-44 OF CHAPTER 13 WATER OF THE LIVINGSTON MUNICIPAL**

**CODE AS ENACTED BY ORDINANCES NOS. 1658 AND 1826 BY REQUIRING INSTALLATION OF METER TRANSCIVER UNITS.** Clint Tinsley, Superintendent of Public Utilities, gave a brief discussion about meter reading and how it will be done through meter transceiver units. He stated that it will allow for meter readers to read the entire town in less time than it does now for 2 men to read meters.

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to amend first reading of Ordinance No. 1907. Which would read "The water meter and remote meter shall be furnished by the City and a charge to cover the cost of the meter, meter transceiver unit (MXU) and radio read unit shall be made to each utility customer who connects after the effective date of this ordinance".

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to accept Audit for Fiscal year ending June 30, 2001.

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to deny request to consider Department of Health & Human Services inquiry about Ambulance Donation for Incident Command/Mobile Communications Unit.

3 in favor, Motion passed.

Motion was made by Blakeman, second by Stevens, to maintain a 4<sup>th</sup> Ambulance for the Fire Department on a one (1) year trial basis with tracking devices.

3 in favor, Motion passed.

Motion was made by Stevens, second by Blakeman, to approve Drawdown #1 on the Livingston/HRDC Miles Building CDBG Rehabilitation Grant for \$94,659.09.

3 in favor, Motion passed.

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

- Progress reports for November and December will be provided by the end of the week.
- Nominations of "H" Street for Urban Design Project will be provided later.
- Response to Junior Women's Club request for improvements of "M" Street Park were provided in the Addendum.



Cooper asked about the dispatch services for the Angeline Van who pays for that? Golnar stated that Angeline pays for the costs of the dispatch services.

Commissioner Stevens comments:

- Asked about the Harrison property on the East end. Golnar stated that the issues were listed in the last meeting minutes.
- Business parking on Chinook, Park and Callender on the median and he's not sure what does the City do about parking on the median between the sidewalk and the street. He has concerns that the vehicles are not moving and what kind of ordinances can be written for the visuals of this street.

Commissioner Blakeman comments:

- Commended the Christmas Light Committee for the great job that they did on the Christmas Lights especially the FFA and Kevin Fox.

Chairwoman, Caron Cooper comments:

- Thanks to everybody, City Staff and fellow Commissioners.

A performance review for the City Attorney was held. Chairwoman, Cooper asked Bruce Becker, City Attorney, if he waived the right to privacy for his review. The Attorney responded that because his relationship with the City was contractual and not that of an employee that no such right to privacy existed in his opinion. The Commission concluded that the City Attorney's performance was good overall. They also provided suggestions to improve their information on legal issues and the Attorney's performance.

Public Comments:

- Thomas Romans of 623 North Main and a Commissioner Elect asked about the Angeline Van Driver's salary and if they received health insurance. Golnar stated that they receive health insurance on a prorated basis if they worked over 20 hours a week on a full time basis.

Motion was made by Blakeman, second by Stevens, to adjourn the meeting there being no further business. Motion passed.

The time was 8:36 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Caron Cooper  
CHAIRWOMAN, CITY COMMISSION