

LIVINGSTON  
CITY COMMISSION MEETING  
January 7, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, January 7, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Mike Doyle, Vicki Blakeman, AnnaMarie Barber and Tim Stevens. Chairwoman, Caron Cooper was absent.

Motion was made by Blakeman, second by Doyle, to approve December 17, 2001 regular City Commission meeting minutes.

4 in favor, Motion passed.

Commissioner Barber comments:

- Thanks to retiring Commissioners for introduction to City Politics.
- Good luck to new Commissioners.

Commissioner Doyle comments:

- Thanks to the City of Livingston for having him as City Commissioner.

Vice Chairman, Stevens comments:

- It's been an incredible experience as a City Commissioner.
- People have been engaged in what the Community can do. For example they rallied around Pompey's Playground development.
- He appreciates the hard work that City Manager, Steve Golnar puts out on a daily basis.
- He appreciates the Publics involvement.

Commissioner Blakeman comments:

- Thanks to the outgoing Commissioners for helping in her through her learning career.

The meeting was adjourned by Tim Stevens to turn the reins over to the new Commission. Steve Golnar, City Manager, thanked the outgoing City Commissioners and presented a plaque to each with their years of service in recognition of their commitment as being a part of the City Commission.

Pam Payovich, Administrative Support/Recording Secretary, gave the oath to the new Commissioners.

A short recess was taken at 7:40 p.m.

The meeting went back in session at 8:02 p.m.

Roll call was given by Pam Payovich, Recording Secretary, for the new City Commissioners. Present was Lenny Gregrey, Sheryl Dahl, Ed Davis, Thomas Romans and Vicki Blakeman.

Lenny Gregrey nominated Vicki Blakeman and Sheryl Dahl was nominated by Thomas Romans to be Chairman.

Vicki Blakeman was elected to be Chairman.

Lenny Gregrey nominated Sheryl Dahl and Lenny Gregrey was nominated by Thomas Romans to be Vice Chairman.

Sheryl Dahl was elected to be Vice Chairman.

The new Chairman, Vicki Blakeman, initiated a reviewed of committee vacancies and nominations for appointments to the following City Boards and Committees.

Thomas Romans and Sheryl Dahl were nominated by Vicki Blakeman to be the representatives for the Infrastructure Replacement Committee. Motion was made by Lenny Gregrey to confirm those nominated and seconded by Sheryl Dahl.

All in favor, Motion passed.

Motion was made by Sheryl Dahl, second by Lenny Gregrey to accept Caron Cooper as an applicant on the City Board of Adjustments.

All in favor, Motion passed.

Motion was made by Sheryl Dahl, second by Lenny Gregrey, to confirm Tara Eddy, Amy Bell and Amy Titgemeier as City Board of Adjustment members.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to nominate Bob Ebinger, Amy Bell and Diana Seider to the Historic Preservation Commission Committee to reconfirm a renewal term of three (3) years. Also appointed were Patricia Graybow and Terry Durden for three-year terms.

All in favor, Motion passed.

Motion was made by Blakeman, second by Gregrey, to nominate Thomas Romans as the Chairman of the Skate Park Committee.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to adopt the Skate Park Committee members as stands.

All in favor, Motion passed.

Motion was made by Blakeman, second by Gregrey, to nominate the Board of Building Code Appeals members as stands.

All in favor, Motion passed.

Motion was made by Blakeman, second by Gregrey, to nominate Sheryl Dahl as the City Representative of the City-County Planning Board.

All in favor, Motion passed.

Motion was made by Blakeman, second by Dahl, to nominate Ed Davis as City Representative of the City/County Building Maintenance Committee.

All in favor, Motion passed.

Motion was made by Blakeman, second by Dahl, for Vicki Blakeman to stay on the Communications Advisory Committee.

All in favor, Motion passed.

Motion was made by Blakeman, second by Gregrey, for the current staff to stay on the Communications Advisory Committee.

All in favor, Motion passed.

Motion was made by Blakeman, second by Gregrey, to appoint Sheryl Dahl as the City Representative on the Livingston Urban Transportation Committee.

All in favor, Motion passed.

Motion was made by Blakeman, second by Dahl, to appoint Lenny Gregrey as the City Representative for the Sister City Committee.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the continuation of the other committee members of the Sister City Committee.

All in favor, Motion passed.

Motion was made by Blakeman, second by Dahl, for Vicki Blakeman to stay on the Alliance Development Corporation Board.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to nominate Vicki Blakeman as the City Representative on the Park County Economic Development Alliance Committee.

All in favor, Motion passed.

Motion was made by Dahl, second by Blakeman, to nominate Lenny Gregrey as the City Representative for the Detention Center Committee.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to accept Bills and Claims for FY 2001-2002.

Gregrey made discussion about the towing of two Lincoln Town Cars as to whether they were City cars or private citizens cars. Darren Raney, Chief of Police, stated that the cars were evidence and that they were private citizen cars.

Also Gregrey asked about the Energy West bills as to whether they were Telephone bills or what and Steve Golnar commented that they were monthly Electricity bills.

Gregrey asked about the office supplies reimbursement to Darren Raney. Darren Raney responded by stating that they were Costco purchases, which require cash payment for office supplies and Wal-Mart office supply purchases.

Steve Koontz, 1007 Eagle Court, commented on the purchase of any items would like to see it done locally. After asking "who pays the taxes around the City of Livingston?", he stated that he would like to see the City purchase exclusively locally for this reason.

All in favor, Motion passed.

A Proclamation was approved by the Commission for the Olympic Torch Relay to be held on January 28, 2002.

Motion was made by Dahl, second by Romans, to approve Public Hearing and the second reading of Ordinance No. 1907 - **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 NO. 1658 AND 1826 BY REQUIRING INSTALLATION OF METER TRANSCEIVER UNITS.** No Public comments were

*Koontz  
Lorenz  
Apology  
given*

given. Gregrey asked a question to clarify that this would not cost a current homeowner. Golnar stated that this would only be a cost for new structure owners.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Public Hearing of Resolution No. 3237 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, SELLING A SURPLUS VEHICLE TO THE PARK COUNTY SHERIFF'S OFFICE.** No Public comments were given.

All in favor, Motion passed.

Motion was made by Gregrey, second by Davis, to approve Resolution No. 3238 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH THE MISSOURI RIVER DRUG TASK FORCE.** Romans asked for more information about this contract. Golnar stated that the City has been involved with the Missouri River Drug Task Force for a number of years. That it is regional drug enforcement investigative arm and funded through Federal funding assistance. Lieutenant, Jeff Wade, Coordinator of the Missouri Drug Task Force in Bozeman, which was present gave a brief review of this contract. Gregrey asked Jeff Wade what kind of assets that the task force would seize under this contract. Jeff responded by stating that they seize any property such as cash, vehicles, real property, land, business's, etc. Gregrey also asked if the money is put into one pool or is it divided out equally among communities. Mr. Wade responded by saying that any Drug Task Force arrest that the officer participates in, those assets from that case goes into the Drug Task Force fund. Arrests made by local officers result in assets being held by the local entity and a local drug seizure fund. It was requested by the Commission to see statistics on the Missouri Drug Task Force's performance in the future.

All in favor, Motion passed.

Discussion was made by the City Commission in response to the County's decision to rezone property at East I-90 Interchange. Gregrey stated that he believes that the City Attorney should not pursue legal action. Romans commented that there has been no attempt to make the County follow the comprehensive plan. Nicole McClain, Historic Preservations Officer, said that the County says there was no Historical importance to this property. She indicated that a file and literature search needs to be done on that property. Dahl stated that she agrees with the City Attorney and the City Manager that this would affect the downtown area most definitely and the City Attorney should pursue legal action to enjoin enforcement of the County's rezoning Resolution. The City Commission determined that they would make a decision on this matter after they meet with the County at the City/County

meeting to be held on Thursday, January 10, 2002 at 4:00 p.m. and to have this put back on the Agenda for the next City Commission meeting.

Motion was made by Dahl, second by Romans, to instruct the City Manager to have a new Resolution for the Harrison Petition to Abandon Streets and Alley Right of Way located around Block T of the Riverside Addition on "Q" and "R" Streets and the Alley in between with recommendations of a 20' non-motorized trail easement. Golnar gave background information on this item. Also Steve Potenberg gave information as to what has transpired as of now with the Harrison's concerning this item to the new City Commission.

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

- Progress reports for November and December 2001 were provided.
- 2002-2007 Tentative Goal Statements were discussed.
- Summary of Current City/County Issues were provided.
- Correspondence included: The State accepting responses to findings of June 30, 2001 audit; Dog Obedience class complaint closed out with letter provided from Dave Eaton of Counterpoint; and a letter appealing 316 South "B" Street siting as an unsafe and dangerous building.
- The Urban Design Plan project schedule was provided.

Commissioner Dahl comments:

- Welcome to all new Commissioners.
- Expectations goals, self-governing expectations to the City Manager and the City Attorney.
- Expectations goals of the City Manager and the City Attorney. Less paper flow and lessen the arms of the "organizational octopus". Use your City Commissioners.
- By the end of the fiscal year she would like to see at least one grant a month pursued.
- She requested East Side School be put on the next Agenda. The other Commissioners concurred.
- Questioned how to get information out to the public for the 911 emergency data base listings?
- Offered congratulations to Jeff and Pam Schoenen for their newborn baby being the first of 2002.

Commissioner Romans comments:

- He indicated interest in being on the Angeline Board.

Commissioner Davis comments:

- Thanks to all of those that supported him in his campaign.
- To the City Manager he would like to work together with the Staff.
- He wishes to take care of efforts matters at hand.

Commissioner Gregrey comments:

- During orientation sessions we had a sales pitch from the City Manager and various Department heads. He asked if the City Manager could provide a list of projects identified with their cost.
- What is the status of the proposed employee grievance procedure with City Manager's decisions? Who do you go to?
- Commented on receiving calls from the community and how would the City Manager like them directed to him.
- He felt that the City needed to maintain City owned property. Where should the burden be for the upkeep?
- At our Commission meetings we should make sure that we have the 2' X 4' table that Mr. Gregory donated so that people addressing the Commission can be comfortable sitting instead of standing and presenting their comment on issues. Make sure that the PA system works so that everyone can hear the Commission in the audience.
- Section 2-2.2. Have it posted in the room so that people know that they can get up and address the Commission and feel comfortable.
- Please make the Agenda's Addendum's informative so that the Commission can have a clear understanding of what they are voting on. Don't provide unnecessary paper.
- Requested that an action item be put on the Agenda for the next meeting about the Detention Center Committee.

Chairwoman, Blakeman comments:

- Would like to see the City Commission set up a goals workshop.

No Public Comments were given.

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

The time was 10:25 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
 Pam Payovich  
 RECORDING SECRETARY

\_\_\_\_\_  
 Vicki Blakeman  
 CHAIRWOMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
January 22, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, January 22, 2002, at 7:30 p.m. in the Community Room in the City/County Building, due to the Holiday on Monday, January 21, 2002, Martin Luther King Jr. Day. City Commissioners present were Thomas Romans, Vicki Blakeman, Lenny Gregrey, Sheryl Dahl and Ed Davis.

Motion was made by Gregrey, second by Romans, to approve consent items as follows:

- Approve January 7, 2002 regular City Commission meeting minutes.
- Accept Bills and Claims for FY 2002.
- Department Heads Monthly Reports and other Minutes.

All in favor, Motion passed.

A revised Proclamation for the Olympic Torch Relay held on January 28, 2002 was read by Vicki Blakeman, Chairman and approved by the City Commission. It was decided among the Commission and Steve Golnar, City Manager, that we would present a copy of this Proclamation to each one of the nine runners from our area. Dick Caruso, an Olympic Torch runner, gave a presentation of the Olympic Torch Relay. He talked about the history of the Olympic Torch and stated that it started back in 776 B.C. in Greece. The modern games got started in 1896. The Olympic flame symbolizes purity, the endeavor for perfection and the struggle for victory. He also mentioned the times of the routes and that the Torch would be in Livingston on January 28, 2002 at 7:45 with Jim Benvenga, Athletic Director of Park High School, running the first leg. Bulletin boards have been displayed for each individual runner from this area at local businesses. Also there are larger bulletin boards displaying all of the runners and their background history at the City/County Complex, First Interstate Bank and the Best Western Yellowstone Inn and Convention Center. Dick provided a video of the Olympic Torch Relay from the Salt Lake City Committee that described what the torchbearers would be wearing and how to hold their torch when running on their route. Caruso emphasized the uniqueness of the Torch Run and encouraged those in attendance to come out and support all of the runners as they carry the Torch through our community.

Motion was made by Dahl, second by Davis, to approve 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.** Steve Golnar, City Manager, commented that the last Commission deferred this Resolution because the proposed Engineering firm



"Allied Engineering" had not received the National Trust for Historic Preservation's concurrence for consultant selection. A letter was provided from the National Trust for Historic Preservation that confirmed that they do concur with the selection of Allied Engineering for this project.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3233 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH MILLENIUM ENGINEERING INCORPORATED FOR STREET LIGHTING PROJECT FOR 2<sup>ND</sup> THROUGH 9<sup>TH</sup> STREET.** Steve Golnar, City Manager, stated that he had received concurrence from CTEP.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Public Hearing of Resolution No. 3239 – **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.**

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to approve Resolution No. 3240 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACT WITH HI-TECH CONCRETE AND MASONRY FOR SIDEWALK REPAIR.** Bob Ebinger of 128 South Yellowstone commented that some of the Historic names were removed from the sidewalks downtown and requested that they be restored.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3241 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH NELSON ENGINEERING & ASSOCIATES, INC. FOR 6<sup>TH</sup> STREET WATER MAIN REPLACEMENT FROM FRONT STREET TO PARK STREET UNDER THE MRL MAINLINE.** Steve Golnar, City Manager, stated that the emergency repairs were not part of the Infrastructure Plan.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3242 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH NELSON ENGINEERING &**

**ASSOCIATES, INC. FOR STREET CONSTRUCTION PROJECT 2<sup>ND</sup> STREET THROUGH 9<sup>TH</sup> STREET FROM FRONT STREET TO CHINOOK STREET.** Steve Golnar, City Manager, stated that the street surface is part of the Infrastructure Project and that the Engineer is under contract for two years to design Infrastructure projects, but that each project required a separate Engineering contract.

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to approve Resolution No. 3243 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR THE DEPOT RESTORATION PROJECT.** Steve Golnar gave background information on this project for the new Commission.

4 in favor, Motion passed.

*Romans Appeal*  
Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3244 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE ALLIANCE DEVELOPMENT CORPORATION AS THE CITY OF LIVINGSTON'S LEAD ORGANIZATION FOR THE MONTANA DEPARTMENT OF COMMERCE'S CERTIFIED COMMUNITIES PROGRAM.** No action taken.

Motion was made by Dahl, second by Gregrey, to amend Resolution No. 3244 to add the Chamber of Commerce in addition to the Alliance Development Corporation as Co-Lead Organizations - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING THE ALLIANCE DEVELOPMENT CORPORATION AND THE LIVINGSTON AREA CHAMBER OF COMMERCE AS THE CITY OF LIVINGSTON'S CO-LEAD ORGANIZATION FOR THE MONTANA DEPARTMENT OF COMMERCE'S CERTIFIED COMMUNITIES PROGRAM.** Dana Taylor of 628 Meadowlark Lane also The Alliance Director, gave background information on this program. Gregrey questioned the litigation status of the Chamber of Commerce. Michelle Goodwine, President of the Chamber of Commerce stated that any financial litigation is concerned that this does not apply. The Chamber Board has errors and omissions insurance coverage, so the greatest exposure is the deductible. Mr. Gregrey asked if the Attorney would review this for a future meeting. Also Lori Bishop, a previous member of the Board of the Chamber of Commerce, gave some additional information about this program. Gregrey asked for an organizational chart. Lori Bishop drew a diagram of the organizational chart in response to who is in charge. Steve Golnar, City Manager, stated that the reason for passing this Resolution would be for funding reasons from the Certified Development Communities Program of the Department of Commerce and confirmed with Mr. Taylor that the deadline for the application was January 31, 2002.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to amend the amendment of Resolution No. 3244 to strike out the third whereas.

All in favor, Motion passed.

After a long discussion among the City Commission, Motion was made by Dahl, second by Davis, to approve option #1 to respond to County's decision to re-zone property at East I-90 Interchange. The option suggested pursuing legal action to enjoin enforcement of the County's re-zoning action of land near East I-90 Interchange. Several people from the public and the Commission commented on this issue. They included Bob Ebinger of 128 South Yellowstone; Lenny Gregrey, City Commissioner; Tim Stevens of 315 North 3<sup>rd</sup> Street; Sheryl Dahl, City Commissioner; Mary Plese of 419 North 5<sup>th</sup> Street; Dennis Glick of 411 South Yellowstone; Vicki Blakeman, City Commissioner; Nicole McClain of 102 Highground; Paul Tunkis of 128 South F Street; Diana Seider of 126 South 5<sup>th</sup> Street; Jim Barrett of 231 South H Street; Ed Davis, City Commissioner; and, Sue Martin of 3 Martin Way.

3 in favor, Motion passed. *Dahl Blakeman, Davis for Gregrey, Romans Against*

A short recess was taken at 10:15 p.m. and returned back in session at 10:20 p.m.

It was addressed by Vicki Blakeman, Chairman, to move discussion issues and concerns relating to Dissolution of City/County Planning Board to the next meeting.

Motion was made by Romans, second by Gregrey, to not approve a feasibility study by Detention Center Committee the inclusion of the Old East Side School site. Sheryl Dahl gave suggestions regarding a look at a regional jail combined with Bozeman. Lenny Gregrey, City Commissioner, stated that this discussion was focused on the Detention Center location at the Old East Side School. Connie Michels of 409 East Callender commented that she did not want a jail in this facility in the residential area. Mary Plese of 419 North 5<sup>th</sup> Street stated that a jail has been here for years and suggested it should be at the Old East Side School site. Paul Tunkis of 128 South F Street stated that he had a petition of 154 signatures against a jail in the residential area. He also mentioned that it would be detrimental for our children to have a jail in the residential area. Dr. Dennis Noteboom and Joe Swindlehurst provided comments in letter form that they would like to see the jail built behind the City/County Complex. Mary Ackerman of 213 South Main Street talked about the Detention Center facility at the Old East Side School would damage the character and attractiveness of one of the last truly affordable housing neighborhoods in the City.

All in favor, Motion passed.

*in the Old East Side School or in School Site*

Motion was made by Dahl, second by Gregrey, to move forward for a joint solution to Park and B Street Left Turn Signal Installation provided that the City's cost share can be paid in FY 2002-2003 after July 1, 2002. Sheryl Dahl gave information relating to this, as she is on the TCC Committee that she feels that this is a necessity.

All in favor, Motion passed.

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

- The Carpeting is coming for the City offices.
- He has approved the purchase of additional radio read units for the Water Department within the current budget.

Commissioner Dahl comments:

- Would like to see a follow-up letter to the Junior Women's Club in the mix-up of sending letters of support.
- When are we going to see the Animal Control with the County in force? Steve Golnar stated by late Spring, early Summer.
- Have an action item of the Old East Side School be demolition on the next Agenda. Mr. Golnar suggested that this discussion be deferred until the Allied Engineers Structural Analysis of the Old East Side School is completed.

Commissioner Gregrey comments:

- Are we going to have the Highground variance at the next City Commission meeting? Steve Golnar stated that it would be on the second meeting in February.
- Are we going to update City letterheads in the computer? Steve Golnar stated that the City office decided that it would not be convenient to print our own letterhead from our computer and that the cost is not that much to order it locally.

No Public Comments were given.

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

The time was 11:05 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

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LIVINGSTON  
CITY COMMISSION MEETING  
February 4, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, February 4, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Lenny Gregrey, Sheryl Dahl, Ed Davis, Sr. and Thomas Romans. Chairman, Vicki Blakeman was absent.

Motion was made by Davis, second by Gregrey, to approve the January 22, 2002 regular City Commission meeting minutes as amended and accept Bills and Claims for FY 2002.

All in favor, Motion passed.

Pat Miller, of the Yellowstone Inn and Yellowstone Country Board, spoke on the Economic Development and the Yellowstone Country Board. She identified concerns that businesses in the community pay a large amount of bed tax and very little of the funds given back to the Yellowstone Country Board were distributed to Livingston area tourism promotion efforts. The Community needs to determine how they can get this money back into the Livingston and Park County area to encourage tourism. Ms. Miller felt that the Livingston and Park County area was not receiving its fair share of bed tax distributions. Mr. Tom Vincent, the General Manager of the Yellowstone Inn and Conference Center spoke in favor of a local tourism advocacy effort to assist with tourism promotion and to secure some bed tax funding to support its activities.

Motion was made by Romans, second by Gregrey, to approve Public Hearing of Resolution No. 3245 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING 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.** Robert Figgins of 1402 East Lewis asked about the lengths of the Streets being vacated. He stated that Q Street runs South of Lewis Street 8 City Lots, 200'. He also wanted to know what the depth was according to the City map. City Attorney, Bruce Becker, stated that City lots are 25' wide. Mr. Figgins wanted to know if the depth property the of the City was seeking to maintain trail easements exceeded what is on the 1883 City Plat. He identified a claim to ownership by his Aunt, of the former Stebbins Island which he estimated to be between the end of City platted property and Fleshman Creek. Also Steve Potenberg of 411 East Callender spoke about the Street Vacation issue concerning the Harrison's. Becker indicated that ownership and acquisition of property between the current City boundary and Fleshman Creek was a separate issue and would be addressed when a quiet title action was filed by the Harrison's. Jeanne Marie Souvigney, Chairman of Mayor's Landing group spoke about the

proposed agreement to abandon Q Street in exchange for a 20' trail easement which would hopefully extend to Fleshman Creek if the Harrison's were successful with their quiet title action. Q Street is the most logical place to build a trail to Mayor's Landing. She was in support of the proposed abandonment and trail easement agreement between the City and the Harrison's. Ernie Meador of 105 South 2<sup>nd</sup> Street stated that he was the listing Broker for this property that the Harrison's have purchased. Mr. Meador stated that the original land plots were done back in 1883 and the public could not be shut off from any trail easements for the public right-of-ways.

All in favor, Motion passed.

Motion was made by Gregrey, second by Davis, to approve Resolution No. 3246 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH TECH ELECTRIC FOR INSTALLATION OF PROGRAM LOGIC CONTROLLER AT WASTEWATER TREATMENT PLAN.** Steve Golnar stated that this has been budgeted and this is Phase I of a two Phase project for this year.

All in favor, Motion passed.

Motion was made by Romans, second by Davis, to approve Resolution No. 3247 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AMENDMENT TO AGREEMENT WITH MILLENIUM ENGINEERING INCORPORATED FOR STREET LIGHTING PROJECT FOR 2<sup>ND</sup> THROUGH 9<sup>TH</sup> STREETS.** Steve Golnar stated that this agreement would allow for reduced insurance coverage by Millenium Engineering, as this is a small project. The revision had been reviewed by the CTEP bureau and approved.

All in favor, Motion passed.

The City Commission next discussed the dissolution of the City/County Planning Board. Steve Golnar stated that he had been waiting for information from the City of Kalispell as they are going through a parallel experience involving rezoning of property in the City/County Planning area and a County integrated dissolution of their City/County Planning Board. The City of Kalispell's information would hopefully articulate their issues and concerns relating to the dissolution of their City/County Planning Board. Unfortunately Steve has not received the information as of yet and is anticipating receiving it soon. Sections of the statues were provided for the Commission's information. Mr. Golnar also stated that a City/County meeting would be held on Wednesday, February 6<sup>th</sup> at 4:00 p.m. in the County Chambers. It was determined by the Commission that they do want a City representative on a County Planning Board if the County Commission votes to dissolve the City/County Planning Board. The City Manager was

instructed to obtain information from these references and update the Commission at the next City Commission meeting.

Motion was made by Romans, second by Gregrey, to direct City Attorney to draw up a Resolution of Intent for Street Vacation of "M" Street from Clark Street South to Fleshman Creek for Robert Figgins and Kathleen Perry-Figgins and as described in the application.

All in favor, Motion passed.

The City Commission discussed adopting Federal Funding Priorities for FY 2002-2003. It was determined by the Commission that Steve Golnar, City Manager, would submit proposed priorities subject to the ratification of the Commission at the next City Commission meeting.

Motion was made by Romans, second by Gregrey, to approve to set a Public Hearing for CTEP Funds on April 15, 2002 at 7:30 p.m.

All in favor, Motion passed.

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

- He has followed-up on Commissioner Blakeman's concerns about the legality and appropriateness of designating Co-Lead Organizations for the Certified Communities Program. The State needed one entity to provide the funding to. The tax identification number of the Alliance Development Corporation was forwarded to the Certified Communities Program by Dana Taylor, the ADC's Executive Director, at Golnar's request.
- The Civic Center furnace has been replaced. A summary was provided in the packet on how the furnace will be paid for within budget.
- He stated that Commissioner Blakeman had suggested that the City Center signs should be moved to East and West Interstate Interchanges, thus bring vehicle traffic to the East and West entrances to the center of town. The City Commission agreed with this approach and encouraged Golnar to pursue this through the Transportation Coordinating Committee.

Commissioner Romans Comments:

- He asked if the City Commission Agenda's could be prioritized to allow the public to speak on continuing and notable issues early in the meeting.
- Requested to keep all City Commissioners aware of the community's comments.

Commissioner Gregrey Comments:

- Detention Center meeting is February 19, 2002.

Vice Chairman, Sheryl Dahl, Comments:

- Requested that the City platted map be updated.
- Propose next Monday, February 11, 2002 for a Goal's Workshop for setting goals of the Commission. *site*
- Looking at the C & P Packing *building* as a possible place for the Detention Center.
- Possibly look at combining the Bozeman and Livingston jail facility to save on operating expenses.

No Public comments were given.

Motion was made by Gregrey, second by Romans, 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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Sheryl Dahl  
VICE CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
February 19, 2002  
7:30 p.m.

The Livingston City Commission met in session on Tuesday, February 19, 2002, at 7:30 p.m. in the Community Room in the City/County Building due to the Holiday on February 18, 2002 President's Day. City Commissioners present were Thomas Romans, Vicki Blakeman, Lenny Gregrey, Sheryl Dahl and Ed Davis.

Motion was made by Dahl, second by Romans, to approve the consent items as amended.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the Findings of Fact of the Board of Adjustments of the Ricci Variance. Terry and Dairene Ricci, owners of property located at 708 South 13<sup>th</sup> Street, requested a variance from the front setback requirement for RII(MH) zoning districts.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve the Ricci Variance request.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve the Findings of Fact of the Board of Adjustments of the Lannan Variance. Loren Lannan, owner of property described as Lots 17a, Block 34, Park Addition (1018 River Drive), was requesting a variance from the minimum lot size requirements for RII zoning districts.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to disapprove the Lannan Variance request.

4 in favor; Romans, Blakeman, Gregrey and Dahl, 1 opposed; Davis, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve the Findings of Fact of the Board of Adjustments of the Stanley Variance. Susan Stanley, owner of property described as Lot 14, Block 1, High Ground Subdivision (112 High Ground Avenue), was requesting a variance from the side and front setback requirements for RII zoning districts.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to disapprove the Stanley Variance request. Steve Koontz, 1007 Eagle Court, spoke against this variance request. Dahl stated that High Ground is a new subdivision. She mentioned that we should uphold our zoning requirements particularly when a new subdivision is involved.

All in favor, Motion passed.

City Attorney, Bruce Becker stated that a notice that the Variance is disapproved will be sent to the owners and that they need to comply with zoning set back requirements in accordance with the 90-day notice.

The City Commission decided to table Resolution No. 3248 until the next City Commission meeting until more information could be provided on previous agreements. - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR SOLID WASTE DISPOSAL.**

Motion was made by Romans, second by Davis, to approve Resolution No. 3249 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPOINTING CITY ATTORNEY AND APPROVING CONTRACT FOR SAID SERVICES.**

3 in favor, Davis, Romans and Blakeman; 2 opposed, Gregrey and Dahl, Motion passed.

Motion was made by Romans, second by Davis, to rescind Resolution No. 3249 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPOINTING CITY ATTORNEY AND APPROVING CONTRACT FOR SAID SERVICES.**

All in favor, Motion passed.

After a long discussion with the City Commission on the agreement of the City Attorney, motion was made by Dahl, second by Romans, to amend Resolution No. 3249 to provide for the future evaluation period near the contract's expiration by adding the following language: the attorney shall be evaluated by the City Commission on or before the 2<sup>nd</sup> regular City Commission meeting of April of the year in which this Contract expires to provide both parties adequate time in which to consider contract extension. In addition, the City Attorney shall be evaluated by the City Commission every six (6) months during the term of this Agreement - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPOINTING CITY ATTORNEY AND APPROVING CONTRACT FOR SAID SERVICES.**

All in favor, Motion passed.

A short recess was taken at 8:21 p.m. and returned back in session at 8:35 p.m.

Motion was made to vote on Resolution No. 3249 as amended.

All in favor, Motion passed.

Motion was made by Davis, second by Dahl, to adopt a Public Hearing for Resolution No. 3250 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO DISCONTINUE A PORTION OF UNDEVELOPED M STREET LOCATED SOUTH OF THE CLARK STREET RIGHT OF WAY TO THE CITY LIMITS.** No public comments were given. Robert Figgins, owner of this property with Kathleen Perry-Figgins, of 714 Canyon View Road, Bozeman, MT commented that the City plat shows more right of way than what is proposed in the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3251 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO INTERLOCAL AGREEMENT WITH PARK COUNTY FOR ANIMAL CONTROL OFFICER.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to reappoint Patricia Miller for a three-year term to the Yellowstone Country Board of Directors.

All in favor, Motion passed.

Motion was made by Gregrey, second by Davis, to approve this action to review Ordinance No. 1905 on the band of Private Water Wells – **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.**

3 in favor, Gregrey, Davis and Romans; 2 opposed, Blakeman and Dahl, Motion passed.

Motion was made by Dahl, second by Romans, to approve revised Expenditure for Police Pistol Replacement. Darren Raney, Chief of Police commented that he had researched this extensively and had determined that the purchase of pistols was very much needed and with the value being credited for the trade-in of fire arms, this was a very good deed.

All in favor, Motion passed.

The proposal for the lease of the Old Water Plant Building from Kamla Bekmans was withdrawn. This was due to the fact that the building needs extensive cleaning and a structural feasibility analysis before it can be occupied. It was decided among the City Commission that this be put on the agenda for the next City Commission meeting to put on the budget for next year.

It was requested by the City Manager, Steve Golnar, that the goals for the City Commission for 2002-2003 from the Commission's Workshop be prioritized by each Commissioner and given back to him during the Solid Waste Workshop to be held on Monday, February 25, 2002.

Any additional comments on the City Federal Funding requests and Priorities for FY 2002-2003 was requested to be provided by the City Commissioners to the City Manager also at the Solid Waste Workshop on Monday, February 25, 2002.

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

- Livingston Fire and Ambulance Involved in EMS Community Planning and Integration Project met today and they will begin surveying internal and external stakeholders on March 1, 2002.
- Dahl asked about the Fleshman Creek/Yellowstone River Abandoned Channel and would like to have a committee formed to respond to the DNRC's recent letter on ownership.
- Davis asked about the Civic Center Front Doors being fixed. Golnar stated that they were fixed.

Commissioner Dahl Comments:

- Asked about the e-mail policy. Golnar stated that we are looking into the process and will get back to the City Commission when a solution has been developed.

Commissioner Gregrey Comments:

- There was a Detention Center meeting prior to this meeting and they asked him to ask a question so that they can get an answer. "On the City owned property by the City shops is that site available for a Detention Center?" Golnar stated that he would try to get an answer to him this week prior to the next Detention Center Committee meeting which is March 5, 2002. Vicki Blakeman asked for a map of the property to be provided with this information.
- A lady from the Big Brothers and Sisters Foundation asked if the County Commissioners would like to challenge the City Commissioners in a bowling tournament. It was decided to go forward with this activity.

Chairman, Vicki Blakeman Comments:

- Mr. Keith Walzak will be here Thursday night, February 21, 2002 at 6:30 p.m. at the Best Western Yellowstone Inn Conference Center to make a presentation on the City's Urban Design Plan before the Economic Alliance Council. She would appreciate it if someone could make it to this meeting in her absence.
- Tom Vincent, owner of the Yellowstone Inn, is interested in some type of Resolution from the City encouraging Tourism.
- The Alliance Council is interested in working with the City in developing a working Growth Policy between the County and the City for expansion of City services.

Jim Hunt, 417 South 9<sup>th</sup> Street, commented on the Civic Center needing to be painted on the outside of the building. Also he stated relating to the Water Protection Ordinance No. 1905, he is concerned about how many water wells can be drilled on one City block. Lots are 25' wide - some property owners have 2 to 3 lots. Will allowing wells to be drilled on small lots protect the water source for the Community?

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

The time was 9:20 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
March 4, 2002  
7:30 p.m.

The Livingston City Commission met in session on Monday, March 4, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Ed Davis, Thomas Romans, Vicki Blakeman, Lenny Gregrey and Sheryl Dahl.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- Approve February 19, 2002 regular City Commission meeting minutes.
- Accept Bills and Claims for FY 2002.

Gregrey asked about the fees on the Bills and Claims for Youth Basketball to Jeremy DeYoung and that some of the amounts paid to referees are different. Ken Kastelitz explained that some of them are paid by the hour and that some are paid by the game. Gregrey also asked about the office expenses reimbursement for Nicole McClain. Golnar stated that it is a monthly distribution that she has an office off site and that the City reimburses her for use of the off-site office.

All in favor, Motion passed.

Vicki Blakeman, Chairman, read a Proclamation for the month of March being American Red Cross month.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3252 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DISCONTINUING A PORTION OF UNDEVELOPED M STREET LOCATED SOUTH OF THE CLARK STREET RIGHT OF WAY TO THE CITY LIMITS.** Bertha Roylance of 216 South "M" Street questioned how much street is there and what affect this would have on her? Blakeman stated that there is still access by way of Clark Street to the River. Also Ms. Roylance asked what the City's reasoning was for the abandonment of "M" Street. Blakeman stated that the request for abandonment was brought to the City Commission by the person who owned the property and their arguments persuaded the Commission to do so. Blakeman also stated that the City plans to set a policy for these types of requests for the future. The Recording Secretary needs to file the abandonment with the Clerk and Recorder and the Assessor to assure that this property goes to the tax roles.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3248 as amended. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY**

**OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR SOLID WASTE DISPOSAL.** Steve Golnar gave background information relating to this Resolution. It was agreed by the City Commission that the Interlocal Agreement would be amended as read to read "#3. Rate. The current rates are attached. See Exhibit C."

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3248. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PARK COUNTY FOR SOLID WASTE DISPOSAL.**

All in favor, Motion passed.

Discussion was made among the City Commission for the City's plans for the Old East Side School and possibilities of rental of said building, pending favorable seismic and structural reports.

Kim Heist, Director of Learning Partners stated that her organization is still interested in renting the Old East Side School for their organization's expansion.

Sheryl Dahl made comments about being supportive of the Old East Side School being rented out. She suggested that the City hire a Management Company to manage the property meaning that there be one master lease entered into by the City and that this leasee could sublease to additional parties.

Vicki Blakeman stated that she would like to see the Old East Side School occupied as soon as possible.

Mr. Gregrey noted concerns about the City Fire Department's inspections leading the School District decision to vacate and sell the building. He identified concerns with user design height, the heating plant, and ADA accessibility issues and their expense. He said he opposed the use of taxpayer's money to remodel or upgrade the building, but indicated that he was not adverse to a private sector partnership and investment into the facility.

A City Commission Communications Policy draft was provided by the City Attorney for the Commission's review.

The City Commission determined that the City should have a Communications Policy so that all of the Commissioner's can be insured equal access to communications either received by or initiated by other

Commission members. This policy specifically addressed distribution of e-mail communications to Commissioner's.

Jay Booth of the Park County Press commented that this communication is only for the City Commissioner's and the City office and was wondering if the public could get in the loop for the communication. Bruce Becker stated that he could put into the Communications Policy that copies of e-mail shall be open for public inspection.

It was determined that any e-mail's that were corresponded to the City office through the Recording Secretary would be available for public access. A Resolution will be provided at the next City Commission meeting to initiate this correspondence.

Also discussion was made by the Commissioner's and the Staff that the City is in the process of getting their own website so that all City staff, Commissioners and the public can correspond through this site.

A Detention Facility site location was discussed for follow-up. Aerial Maps were provided for several facilities sites that the City owns. The possibility of trade for other desirable land was also discussed.

Sue Martin, Chairman of the Detention Committee, stated that she had called a former County Commission and her understanding of the Landfill site suggested for the Detention Facility had been originally a gravel pit that has been built up with backfill. She also stated that there are regulations of the use Landfills. The committee has looked at this and they determined that this would not be a good site for the Detention Facility due to the liability issue. Dahl asked if there was a factual study done or was this just information given with no facts. It was requested by the City Commission that the City Manager contact the DEQ and EPA to determine what the facts are about the Landfill and what the cost would be for a feasibility test.

Many other locations were discussed for possible location of the Detention Center facility and it was determined by the City Commission that the City does not have any property available for the Detention Center facility at this time.

The City Commission discussed adopting the 2002-2003 goals and priorities that were provided by the City Manager. The goals and priorities were updated. Definitions for time frames were established. Immediate term goals were to be completed in the next budget year. The medium term goals will be within 2-3 years and the long term goals are to be completed within 5 years. There were several additions to the goals from the City Commission.

The Commission ratified the Federal Appropriations/Support request for FY 2002-2003 which was submitted to congressional representatives a week earlier. Additions to the Federal assistance request included: funding for a



Growth Management Planning process if the City is required to develop it's own growth management plan as a result of the dissolution of the City/County Planning Board and assistance with Health Insurance regulation or control for employers.

Motion was made by Dahl, second by Gregrey, to set a special meeting on March 11, 2002 at 7:30 p.m. for the Purpose of Appointing Representatives to the Urban Design Plan Steering Committee.

All in favor, Motion passed.

Steve Golnar noted that the City Commission needed to designate representative for two committees. Sheryl Dahl volunteered to be the City Commission representative for the Mayor's Landing Committee and Lenny Gregrey volunteered to be the City Commission representative for the Lewis and Clark Committee.

The City Manager's written comments were reviewed.

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

- Notice and Acknowledgement of Service by mail of summons and complaint received from the County relating to East Interchange Rezoning complaint by City was updated that the County has 20 days to respond to the City's complaint not 90 days.
- Also it was brought to the City Commission's attention that on March 18, 2002 that Shirley Ewan, Darren Raney, Bob Brown and Steve Golnar will be traveling to Billings for an Accounting Workshop instead of March 4, 2002 which was the date given on the Agenda but will be back for the City Commission meeting that night.

Commissioner Dahl Comments:

- Stated on the goals and priorities list that the "Railroad Crossing at the West End which is off grade from main line" should be Long-term not Medium-term.
- Thanked the Police Department for attending Saint Mary's School emergency response recognition program. Thanks for interacting with the School community and the kids.
- Thanked the Refuse Committee for the recycling break down.
- Thanked the Staff for the e-mail policy and the timeliness responding to this matter.

Chairman, Vicki Blakeman Comments:

- Got a letter for a Proclamation for the Girls Scouts. Read it as it applied to the week of March 10-16, 2002.
- Got another Proclamation for Arbor Day for the next City Commission meeting.

- Noted that in talking to kids from the school she is getting good responses back from them about the School Resource Officer.

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

The time was 9:40 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
March 18, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, March 18, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Thomas Romans, Vicki Blakeman, Lenny Gregrey, Sheryl Dahl and Ed Davis.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- Approve March 4, 2002 regular City Commission meeting minutes.
- Approve March 11, 2002 special meeting minutes.
- Accept Bills and Claims for FY 2002.
- Accept Department Heads Monthly reports and other minutes.
- Award bid for 2002 Tractor/Mower for the Cemetery Department.

Lenny Gregrey asked about the MMIA deductible on LFCU suit and wanted an explanation about this case. Golnar stated that this was the Attorney fee for the Livingston Federal Credit Union deductible relating to the building that was burned by the Fire Department on "B" Street. Gregrey also asked about the Hitch and Bed Liner from Ranch & Home Supply, Inc. Tinsley stated that this was for the new vehicle for their department. Gregrey also asked about the Verizon Wireless billing on one item that had an asterisk beside it and Shirley Ewan, Finance Director stated that it means that the specific department is over their budget.

Davis asked about the medical reimbursements for individuals. Golnar stated that this is the flexible spending program that employees can contribute to for medical or child care costs. This is a pre-tax benefit that can be used by the employee with remaining City contribution for single coverage employees or costs can be paid by the employee. Davis also asked about the Park County Victim Witness surcharge fee. Golnar stated that this is a fee that the court pays to the Victim Witness fund which is paid to the County monthly to support this program. Davis also asked if the referees for recreational activities could be a volunteer program and not be paid for their services? Ken Kastelitz stated that there are very few volunteers in the Recreational Department. Each referee is a MOA official and they are paid through user fees that are paid through the program registration fees.

All in favor, Motion passed.

Ronnie Metzger and Melissa Davaz gave a presentation from the Teens in Partnership group on Tobacco Use in Play areas and keeping playgrounds tobacco free. They were from the Sleeping Giant Middle School. They asked the City Commission to ban smoking at children's play areas in the City's

public Parks. It was decided by the City Commission to direct the City Attorney and the City Manager to draw up a Resolution which would suggest that adults set a healthy example by keeping playgrounds tobacco free. Also the Teens in Partnership group has grant money available to help pay for no smoking signs to be posted in the play area.

Vicki Blakeman, Chairman, read a Proclamation for Arbor Day on April 26<sup>th</sup> in the City of Livingston. Dave Reece was present from Ron Nelson Tree Service and suggested of having a tree planted across from the City/County Complex where trees have been topped. It was decided by the City Commission that the City Manager should pursue to applying for an Arbor Day grant in the amount of \$150.00 to replace this tree. Mr. Reece informed the Commission that Ron Nelson Tree Service would assist with the tree removal and stump grinding to prepare the site at no charge.

Fred Hall of 512 North 2<sup>nd</sup> Street talked about Street Maintenance District. He requested that the City have better road maintenance in our community due to the citizens in the community paying maintenance fees for these services. Ken Kastelitz gave plowing priority schedules of street maintenance. It was decided by the City Commission to direct the City Manager to review current maintenance sanding and snow removal and road signage and barricading practices for the area involving the "steep hill" on Gallatin, North Main and North 2<sup>nd</sup> Street. The City Commission also asked the City Manager to come back at the next meeting with more information about alternatives for road maintenance and what the City plans to do for the Summer and future Winters. It was stated by Romans that if the City improves the road conditions on the North Hill then the traffic would speed up and then the City would need more traffic control.

Motion was made by Romans, second by Dahl, to approve the Findings of Fact for a Variance for the Hillmans located at 712 West Montana.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve the Variance as amended for Daniel and Jolene Hillman requesting a variance from the front setback requirement for RII zoning districts. They wished to build an addition onto their home, which would be approximately thirteen and a half (13 1/2) feet from the front property line and was amended to read that the addition would be subject to a seventeen foot, nine inch (17' 9") front setback.

4 in favor; Dahl, Romans, Blakeman and Gregrey, 1 opposed; Davis, Motion passed.

Motion was made by Gregrey, second by Romans, to disapprove Resolution No. 3253. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE CITY COMMISSION**

**COMMUNICATION POLICY.** Gregrey stated that he thinks that the Commissioners can communicate with each other and with citizens on or off the street. Gregrey feels that it is unnecessary to have a policy adopting the City Commission communications with the City Staff or with citizens of the community. Gregrey stated that he gets the information out to every one and has confidence in the City Staff that the information will be distributed per his request. Davis agreed with Gregrey's comments. Golnar stated that the Resolution was developed at Commissioner Dahl's request with a particular concern on e-mail related communications being missed by Commissioner's who did not have e-mail. Romans stated that this was a Resolution of massive overkill for the purpose that it was intended for.

4 in favor; Davis, Romans, Blakeman and Gregrey, 1 opposed; Dahl, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3254 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON CONSENTING TO THE NOMINATION OF AND AUTHORIZING CITY MANAGER TO MAKE CONDITIONAL OFFER OF EMPLOYMENT TO JIM MASTIN FOR THE POSITION OF FIRE CHIEF OF THE LIVINGSTON FIRE DEPARTMENT.** Draft letter to Jim Mastin was amended to read, "The vehicle may be used out of town on official business only". Romans stated that he was very impressed by his resume and Mastin's application was very detailed. Golnar stated that a change in the process of selecting a Fire Chief candidate included an on-site visit and interview by the City Manager of family members, supervisors, peers, co-workers and supervisees on March 7<sup>th</sup> – 11<sup>th</sup>. Golnar also stated that he feels very confident in nominating Mr. Mastin as Fire Chief. Golnar thanked the committee that selected the candidate which included Shirley Ewan, Finance Officer; Larry Blakely, Citizen and Hospital Board Member; Brian Crandell, State Fire Service's Training; Steve Larson, Fire Chief of the City of Helena, Brad Hicks, Community Representative; Pat Wagman and firefighter Pat Walker who shared the role of representing Local IAFF 630.

All in favor, Motion passed.

Belinda Schweigert asked if the City would consider enlarging the 2-Hour Parking area in the 300 Block of South Main Street. She stated that it currently ends at Clark Street on South Main and the Block between Clark and Geyser has a lot of businesses there and there is not enough parking for customers. She also mentioned that there is only one resident in that block and because 2-Hour Parking doesn't pertain to evening parking, she would still have parking for her convenience after hours. Romans asked if that resident was on the petition provided by Belinda Schweigert and she stated that she was not. Davis asked if the resident could have the resident's parking space exempt. Golnar stated that the two-hour parking issue is a continual concern. The idea of creating exemptions in certain spaces or areas caused him concern from the stand point of trying to be consistent and

also with the practicality of enforcing two-hour parking zone regulations. Golnar mentioned that the City Commission would certainly want to have a public hearing on the expansion of the two-hour parking zones and see how people feel. The Commission directed Mr. Becker, City Attorney, to prepare an Ordinance amending the two-hour parking district boundaries for first reading at the next meeting. A public hearing will be held during the second reading of the Ordinance.

A joint Computer Analyst with the County was considered. Golnar stated that he did not have enough information to conclude a recommendation to the City Commission. The City has a contracted software maintenance service that they would have to maintain even if the City entered into an agreement with the County for a joint Computer Analyst. Golnar wants to have a definite definition for this individual from the County. Dahl stated that the Finance Officer has provided information for the Commission that the City has an excellent support system that can be maintained through the modem for any problems existing on critical issues on a timely basis. Gregrey agreed with Dahl's comments. Romans mentioned that he has faith in the City Staff. Davis agreed that the City is in with Black Mountain as long as the City has their software and should stay as such even though he would like to see in-house computer capabilities. Blakeman asked the City Manager if he would thank the County on their behalf for the offer, but indicate that the City is not interested.

The City Commission was asked by the City Manager to adopt the 2002-2003 Goals and Priorities based on the Commission's comments from the last meeting. Gregrey gave comments that some tasks need to be done before FY 2002-2003, particularly a report on project status using a project tracking display system and a schedule of Commission Workshops distributed. The City Commission gave their concurrence to accept the 2002-2003 Goals and Priorities.

Relating to adoption of the tentative budget schedule for FY 2002-2003 Blakeman stated that she would not be able to attend the first budget meeting scheduled on March 25<sup>th</sup>. It was decided among the City Commission and the City Manager to re-schedule the meeting on March 27<sup>th</sup> at 7:00 p.m. in the Community Room of the City/County Complex.

The City Commission was asked to consider waiving the Civic Center Rental Fees for the Police Protective Association Chili Pie Supper. The City Manager recommended that the determination to waive this fee is at the Commission's discretion. Gregrey asked Darren Raney, Chief of Police, if this event had been held in the past. Darren responded that this was the first one. Gregrey asked what the policy was for other public use of the Civic Center. Golnar stated that the Commission makes a determination on a case-by-case basis that there is no standing policy. After some discussion among the City Commission it was determined that the rental fee would not be waived for this event.

The City Manager's written comments were reviewed.

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

- Mr. Tinsley stated that on April 4, 2002 at 2:00 p.m. the Pre-Bid Conference for the Invitation to Bid for the reconstruction of 2<sup>nd</sup> through 9<sup>th</sup> Streets from Front Street to Chinook Street would be held at the Livingston Utility Office.
- Mr. Golnar stated that he is getting together a completed yearly calendar for the scheduled activities for the year and hopes to have it done soon to provide to the City Commission.

Commissioner Romans Comments:

- Thanked the County for challenging the City in the Bowling Tournament held last weekend.

Commissioner Dahl Comments:

- Thanked Mr. Golnar and City Staff for the weekend event of the Urban Design Show at the Depot Center.

Commissioner Gregrey Comments:

- Asked if we ever resolved the public address issue in the Community Room? Mr. Golnar stated that we are still working on this project.

Chairman, Vicki Blakeman Comments:

- Thanked Mr. Golnar and Staff for the Entranco Design Workshop. It was very enlightening and exciting.

No public comments were given.

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

The time was 9:21 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 1, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 1, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Lenny Gregrey, Sheryl Dahl, Ed Davis, Thomas Romans and Vicki Blakeman.

Motion was made by Dahl, second by Davis, to approve the consent items as follows:

- Approve March 18, 2002 regular City Commission meeting minutes.
- Accept Bills and Claims for FY 2002.
- Approve special event request for Montana Audubon Bird Festival in Sacajawea Park on May 31, 2002 through June 2, 2002.

Gene Moore of 231 South C Street, requested that the City Commission consider adopting portions of the Minneapolis Noise Ordinance which were provided in the packet. He stated that cars run up and down the street with their radio's blasting and he feels this should be controlled by the City. He mentioned that the Minneapolis Noise Ordinance states that if any person from a distance of fifty (50) feet or more from the vehicle can hear playing of any radio, tape player, disc player, loud speaker, or other electronic device, then the use or operation is in violation.

The City Commission directed the City Attorney to write up a Noise Ordinance for the City of Livingston for amplified noises to be provided at the next meeting.

Motion was made by Dahl, second by Davis, to approve Ordinance No. 1909 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1846 AS CODIFIED BY SECTION 9-246 OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING THE TWO HOUR PARKING ZONE TO INCLUDE THE 300 BLOCK OF SOUTH MAIN STREET.** Dahl stated the Ordinance does a little housekeeping in the City that hasn't been done as of yet. She commented that it ties in the parking area with the whole area as a consistency factor.

Gregrey stated that this particular block on the North end of the Block has signs which indicate 2 Hour Parking from the end of the corner and said that there could be signage put up on the South end of the Block and leave the middle of the Block on the Wilcoxson side which is a commercial structure and the other side curb cuts, car wash, balancing the needs for all businesses and the resident.



Romans stated that he had received a phone call from the resident of the block and she expressed her concern about losing her three parking spaces and was not in favor of this Ordinance because it would not protect her spaces. Romans mentioned that just leaving her space open is a problem.

2 in favor; Blakeman and Dahl, 3 opposed; Davis, Romans and Gregrey, Motion denied.

Motion was made by Dahl, second by Davis, to approve 2002 City/County Joint Resolution No. 1 - **A JOINT RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AND PARK COUNTY, MONTANA, SUPPORTING TALGO LRC'S EFFORTS TO HAVE WIND TURBINES AND TOWERS MANUFACTURED IN THE CITY OF LIVINGSTON AND COUNTY OF PARK.**

All in favor, Motion passed.

Motion was made by Romans, second by Dahl to approve Resolution No. 3255. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DIRECTING THAT NO TOBACCO USE SIGNS BE PLACED IN CHILDREN'S PLAY AREAS.**

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3256 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN SERVICE AGREEMENT WITH IWORQ SYSTEM FOR PAVEMENT MANAGEMENT SERVICES.** Dahl asked what the purpose of this Resolution was? Ken Kastelitz stated that this is a company which would help develop a pavement management system which will assist the City in qualifying for a new pavement management funding program offered to communities with Urban Systems by MDT. Blakeman asked how long it would take them to do the survey for the whole town? Ken commented that it could be done shortly after the City entered into the agreement. This program would improve the City's data on conditions of streets and need for improvements.

All in favor, Motion passed.

Motion was made by Dahl, second by Blakeman, to table Resolution No. 3257 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 1 FOR ENTRANCO CONTRACT FOR URBAN DESIGN PLAN.** It was requested by the City Commission to have more information available by the next meeting.

2 in favor; Blakeman and Dahl, 3 opposed; Davis, Romans and Gregrey, Motion denied.

Motion was made by Romans, second by Gregrey, to disapprove Resolution No. 3257 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN CHANGE ORDER NO. 1 FOR ENTRANCO CONTRACT FOR URBAN DESIGN PLAN.** Jim Woodhull stated that the purpose of this change order to respond to a request for an additional steering committee from several of the people who were at the first Urban Design Community Workshop and also that it was to allow for the Consultant to fine tune his findings at prior to the final public meeting. It was requested by the City Commission to have more information available by the next meeting.

All in favor, Motion passed.

Vicki Blakeman, Chairman, nominated Linnea Pritchard and Quentin G. Schwarz to fill vacant positions on the Historic Preservation Commission.

Motion was made by Dahl, second by Gregrey, to confirm the Chairman's nomination of Linnea Pritchard and Quentin G. Schwarz to the Historic Preservation Commission.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve grant application for certified local government program for the Historic Preservation Officer Partial Funding. A cellular phone was mentioned to possibly replace the office phone. Historic Preservation Officer, Nicole McClain, stated that she could possibly share a phone with the people in her office space. Nicole stated that the State requires a message retrieval which would be the only stipulation. The City Commission mentioned that the budget could be finalized at the time of the Budget Workshop so that this could move forward.

All in favor, Motion passed.

The City Commission reviewed a draft letter responding to Mr. Hall's concerns about Street Maintenance and Traffic Control on North Hill particularly the "steep hill" on Gallatin Street, North Main Street and North 2<sup>nd</sup> Street between Gallatin and Montana Streets. It was decided among the City Commission to have a Workshop to discuss this on April 10, 2002 at 6:00 p.m.

Motion was made by Dahl, second by Romans, to authorize application for a Skate Park Grant, taking into consideration any obligations the City would be committing to through such a grant. Romans provided a copy of the grant at the meeting. Dahl stated that she encouraged Romans, who is on the Skate Park Committee, to go forward with the grant application. After much discussion among the City Commission and the Staff Romans mentioned that

this would encourage kids to stay off the streets with the improvements and expansion of the Skate Park.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

Commissioner Davis Comments:

- He questioned the letter received from the Department of the Army, Corps of Engineers, about the impact on Mayor's Landing for the Continuing Authorities Program due to no new studies and no new construction projects.

Commissioner Romans Comments:

- He mentioned that he had received a phone call from a community citizen being concerned about purchasing premium fuel for the City Vehicles and Romans asked what the procedure was for fueling vehicles with this type of fuel. Ken Kastelitz stated that he would have a response to this before the next City Commission meeting.
- He also mentioned that he had received a phone call from Terry Tillett on how he was treated for his past due water bills. He stated that Mr. Tillett would like to have a response back from the City Manager as to clarify his treatment.

Commissioner Dahl Comments:

- Wanted to know when the downtown Revitalization Conference in Butte was scheduled.
- Requested an updated calendar from the City Manager for City Board meetings.
- She asked if we could get the signage for the Yellowstone National Park entrance on the East and West Entrance.
- She asked about the Downtown Historic Signage.
- She asked about Color Paved Cross Walks on Park Street.
- She asked on the "Y" Intersection when traffic is re-routed.
- She asked about the Feasibility of Building a Sign which said; "Your in Livingston, Welcome to our City". A Historic foundation for our City would pursue a sign to read "Livingston Chamber of Commerce/Visitors Bureau".

Commissioner Gregrey Comments:

- People from the Wellness Center requested answers to the following questions:
  1. "Why are the painted yellow curb lines on four way stop's so long?" Ken Kastelitz answered by stating that the City is required by law to paint those lines thirty (30) feet back from the center of the stop sign. Across from the Stop Sign the law allows for twenty (20) feet.
  2. "Un-used curb cuts? Why aren't they replaced with regular curbs? And, Who is responsible for putting in the new curbs?"

Ken stated that the property owners are responsible for putting in new curbs. The City is replacing curbs during Infrastructure Replacement.

3. "What is the blue paint on the curbs for?" Ken stated that these were Handicapped Parking places.
  4. "Are there any plans to up-grade the Sewer Line in the City/County Complex?" Clint Tinsley stated that they are looking at the feasibility of doing that.
- He also stated that he would like to see a new Ordinance written for signage for the 2-Hour Parking on the South side of 300 Block of South Main Street as it is on the North side.

Chairman, Vicki Blakeman Comments:

- Reminded everyone about the City/County meeting on April 10, 2002 at 4:00 p.m.

Public comments:

- Pat Wagman, City Firefighter, stated that he is running for House District 26 Representative and if elected is looking forward to representing the City of Livingston and people in District 26.

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

The time was 9:15 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
April 15, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 15, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Ed Davis, Thomas Romans, Vicki Blakeman, and Lenny Gregrey. Sheryl Dahl arrived a few minutes later during session.

Motion was made by Gregrey, second by Romans, to approve the consent items as amended as follows:

- Approve April 1, 2002 regular City Commission meeting minutes.
- Accept Bills and Claims for FY 2002. In addition a bill from Eileen Malcott for reimbursement for chair mats for the City offices in the amount of \$103.92 was approved.
- Approve Department Heads monthly reports and other minutes.

Mr. Gregrey asked about the refund for the CC Rental Deposit. Mr. Golnar stated that this was a refund for the Civic Center Rental deposit for Neil Anderson. Also Mr. Gregrey asked about the reimbursement for the Training Course expenses and the Training tuition for John Mathias. Mr. Golnar stated that this was Law Enforcement Training at the Law Enforcement Academy.

All in favor, Motion passed.

Don Doninger, Treasurer of the local chapter of Trout's Unlimited, of 310 Convict Grave Road, Livingston, Montana, made comments on the support for Mayor's Landing/Fleshman Creek Restoration. He stated that the mission of the Trout's Unlimited is to improve cold water resources by performing public education programs, and stream restoration projects. The Restoration of Fleshman Creek is a good project to restore the Creek as a wonderful urban fishery and spawning habitat. He has attended Mayor's Landing Committee meetings and has joined together to make the whole creek beautiful again. The Trout's Unlimited have already received a Tom's of Maine \$2,500.00 grant. He mentioned that Don Williams and himself are giving field trips and would like to invite the City Commission on one of these field trips. Also he added that there is going to be a meeting at the Elks Club on Thursday, April 18<sup>th</sup> at 6:30 p.m. and would like to invite all of the City Commission and others who may be interested in attending. Don stated that at this meeting there would be pictures available for the viewing of other similar projects that Trout's Unlimited have been completed such as a riverside restoration and Dog Walkers area in Jackson Hole, Wyoming.

Thomas Romans asked Don how much of Fleshman Creek do they anticipate to include in this scope of work for the project? Don stated all of the area from the Lagoon to where it goes back down to the River by Mayor's Landing

and eventually the whole area from the intake from the River all the way down.

Gregrey asked about the letter that was provided in the packet last week about the Corp of Engineers affecting this project. Golnar stated that the Corp of Engineers did a feasibility study for the Restoration Grant and they felt that it was not economically feasible for the Corps to pursue the Mayor's Landing Aquatic Restoration.

Don stated that Trout's Unlimited would like to make sure that there is a Central Coordinating Committee for this project to make sure that all the time and money is invested properly. He suggested the City Manager, Steve Golnar and Jean Marie Souvigney, the Chairman of the Mayor's Landing Committee, provide this central coordination role.

Sheryl Dahl thanked Don Doninger for giving his presentation.

Don stated that he is serious about the field trips and would like to again invite all of the Commissioners and others to go on a field trip.

Tom Bergsing of 704 West Front Street and also a City employee gave comments and provided a map relating to the Ordinance No. 1910 amending the two hour parking zone to include a portion of the 300 Block of South Main Street. Mr. Bergsing was excused after no questions were asked by the Commission relating to his presentation.

Motion was made by Dahl, second by Gregrey, to approve the findings of fact for the Lippincott Variance. Penny Lippincott, owner of property described as the South 20 feet of Lot 6 & the North 1/2 of Lot 7, Block 73, Original Township (112 South G Street), requested a variance from the minimum lot size requirements for RII zoning districts. The applicant wanted to build an addition on the existing house, which would be used as an additional and separate dwelling unit. The parcel would be 4,480 square feet in size. Code requires a minimum lot size of 7,000 square feet for two dwelling units.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to disapprove the Lippincott Variance.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve the findings of fact for the Warnick Variance. James and Bonnie Warnick, owners of property located at 926 West Front Street, requested a variance from the front setback requirement for RII zoning districts. They wished to extend their existing deck by three (3) feet in order to increase accessibility to their main entrance. The proposed deck extension would be approximately eight (8)

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

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the Warnick Variance.

4 in favor; Romans, Blakeman, Gregrey and Dahl, 1 opposed; Davis, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Ordinance No. 1908 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 14-84 AS ENACTED BY ORDINANCE NO. 1437 REGULATING THE DISCHARGE OF BIOCHEMICAL OXYGEN DEMAND (BOD) AND TOTAL SUSPENDED SOLIDS (TSS) FOR THE PUBLIC SEWER SYSTEM OIL AND GREASE INTO THE CITY SEWER SYSTEM AND PROVIDING FOR A SURCHARGE FOR USERS WHO EXCEED THE DISCHARGE LIMITS.** The purpose of this Ordinance is to provide for the health, safety and general welfare of the public by amending the regulation of the City sewer system by regulating the discharge of oil and grease and to provide for a surcharge for nonresidential users which exceed discharge limitations set for oil, grease, BOD and TSS. Clint Tinsley gave background information pertaining to this Ordinance. A public hearing will be scheduled at the next meeting when the Ordinance would be read for its second time.

All in favor, Motion passed on first reading.

Motion was made by Dahl, second by Gregrey, to approve Ordinance No. 1910 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1846 AS CODIFIED BY SECTION 9-246 OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING THE TWO HOUR PARKING ZONE TO INCLUDE A PORTION OF THE 300 BLOCK OF SOUTH MAIN STREET.** The purpose of this Ordinance is to provide for the health, safety and general welfare of the public by expanding the downtown 2 hour parking zone to include the 300 block of south Main Street to assist customer parking by limiting the time in which a vehicle may remained parked. A public hearing will be scheduled at the next meeting.

No action was taken.

Motion was made by Gregrey, second by Romans, to approve Ordinance No. 1910 as amended to eliminate lots 22 and 23 on the East Side of Main Street.

4 in favor; Blakeman, Gregrey, Davis and Romans, 1 opposed; Dahl, Motion passed.

Motion was made by Dahl to insert a 2-hour 1-site parking space for Eveyln Fox in front of her residence on Ordinance No. 1910. No second was made.

Motion was made by Blakeman, second by Dahl, to amend Ordinance No. 1910 so as to have the whole block 2-hour parking.

2 in favor; Blakeman and Dahl, 3 opposed; Davis, Romans and Gregrey, Motion denied.

Motion was made by Gregrey, second by Dahl, to amend Ordinance No. 1910 as originally proposed by lots 22 and 23 on the East side of Main Street and to change the Ordinance to correctly reflect the 2-hour parking zones on the Northern section of the 300 Block of South Main to reflect current practice.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Ordinance No. 1911 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND AND CREATING A PENALTY FOR VIOLATION THEREOF.** The purpose of this Ordinance is to provide for public health, safety and general welfare by prohibiting avoidable and unnecessary amplified sound from vehicles on ways open to the public and creating a penalty for violation thereof.

No action was taken. *Postpone for workshop*

Motion was made by Romans to amend Ordinance No. 1911 to restrict the selective term vehicle and include any source of disturbance from 11:00 p.m. to 7:00 a.m. No second was given.

After a lot of discussion among the City Commission and with public comments, from Mike Doyle and Trigg Heintz, Motion was made by Dahl, second by Davis, to post-pone Ordinance No. 1911 until the next meeting and direct the City Attorney along with the City Manager and the Chief of Police to clarify the definitions and violations of this Ordinance and to possibly schedule a work session for further discussion.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Ordinance No. 1912 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BY REFERENCE AMENDMENTS TO THE UNIFORM BUILDING CODE, 1997 EDITION; MODEL ENERGY CODE, 1993 EDITION; UNIFORM CODE FOR BUILDING CONSERVATION, 1997 EDITION; CABO ONE AND TWO FAMILY DWELLING CODE, 1995 EDITION; AND THE UNIFORM MECHANICAL COCE (ICBO), 1997 EDITION, AND AMENDING ORDINANCE No. 1879.** The purpose of this Ordinance is to provide for the public health, safety and welfare by adopting amendments to the Uniform



Building Code, 1997 Edition; Model Energy Code, 1993 Edition; Uniform Code for Build Conservation, 1997 Edition; CABO One and Two Family Dwelling Code, 1995 Edition, and the Uniform Mechanical Code, 1997 Edition and by providing a procedure for adopting building and technical codes and their revisions by administrative order. A public hearing will be scheduled at the next meeting.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to deny consideration of waiving the rental fee of the Civic Center for the Library Annual Book Sale on May 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>, 2002. Mr. Golnar stated that it is the City Commission's decision to waive the rental fee of the Civic Center of any event.

2 in favor; Blakeman and Dahl, 3 opposed; Romans, Gregrey and Davis, Motion denied.

Motion was made by Gregrey, second by Dahl, to approve waiving the rental fee of the Civic Center for the Library Annual Book Sale on May 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>, 2002.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Gregrey asked if he understood correctly at the last City/County meeting that Commissioner, Dan Gutebier, stated that he did not want to expand in the City/County Complex for Jail purposes. Golnar stated that he did say some thing to that effect. Also Golnar stated his intentions to see if it is feasible to expand the City/County Complex in follow-up to City/County Building Committee questions relating to the 1996 JGA Architect letter which identified vertical expansion as infeasible. He also proposed to request a copy of CTA Architect's Analysis of City/County Complex expansion feasibility.
- Gregrey asked about the Angeline Parking sign if the Angeline service was going to pay for this. Mr. Golnar stated that Angeline has committed to paying for the sign.

Commissioner Davis Comments:

- He stated that he understands that the public does not want any jail facility in the commercial and residential areas.

Commissioner Romans Comments:

- He stated that there was a 5' half-pipe put in at the Skate Park on Saturday, April 13, 2002 with many volunteers involved in the ceremony. He thanked all of those that were involved in this activity. He also mentioned that there was going to be a Skate Park Committee

meeting on Tuesday, April 16, 2002 at 6:00 p.m. at the City/County Complex.

Commissioner Dahl Comments:

- She thanked Thomas Romans for being on the Skate Park Committee and for all of his hard work.
- She thanked Darren Raney for his research and reports on the Noise Ordinance.
- She stated that she would like to go to the Municipal Conference on May 8<sup>th</sup> in Billings and asked for information on how to enroll.
- She mentioned that she had a citizen complaint about the Street Sweeper lay out and that they asked when is the North Hill going to be swept. Also the person stated that the 25 mile per hour speed sign at the Truck Stop should be pushed back further towards Bozeman and that they would like to see more readily enforced.
- She mentioned that the National Park Service awarded Big Sky Trail's Committee funding for the development of plan for Trails.
- She welcomed the new Fire Chief, Jim Mastin, to the Fire Department.

Commissioner Gregrey Comments:

- He stated that the Detention Center Committee is meeting on Wednesday, April 17, 2002 and they have a letter that the County wants a decision from the Detention Center Committee as soon as possible. He corrected himself later and stated that the Detention Center Committee meeting was April 16, 2002 at 5:30 p.m.

Chairman, Vicki Blakeman Comments:

- Stated that she had talked to Ed Flatt out at the Incinerator and that they discussed joining the Refuse Board and he extended an invitation to go down to Columbus to look at a Transfer Station. She feels that the Commission should be involved with the Refuse Board because a lot of things are going to happen in the near future with regard to evaluating whether the community should continue with the Incinerator or pursue other trash disposal options.
- She commented that she is looking into the Clean Cities Program, which is an affiliation for Cities around the National Park, and it is predominately interested in using alternative fuels for government vehicles, national park vehicles and alternative transportation. She would like to see the City get involved and stated that this program makes the City eligible for government money.
- She thanked Thomas Romans for his efforts with the Skate Park.
- She also thanked Darren Raney for his efforts and information for the Noise Ordinance

Public comments:

- Nicole McClain of 102 Highground and Bob Ebinger of 128 South Yellowstone gave information about the workshop that they attended

in Butte on Reinventing Historic Downtown's and handed out a summary.

- Mike Doyle of 601 East Geyser thanked Thomas Romans for doing a great job as Chairman for the Skate Park Committee.
- Trigg Heintz of 112 Yellowstone asked about the Big Sky Trails award that was presented by the National Park Service. He also suggested having people use bicycles more often and extend the Bike Trail for the enhancement of our parking problem in the downtown area. He mentioned maybe to promote a Central Walking Mall to eliminate the parking problem.

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

The time was 9:40 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
MAY 6, 2002  
7:30 P.M.

The Livingston City Commission met in regular session on Monday May 6, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Thomas Romans and Ed Davis.

Staff Present: Steve Golnar, Bob Brown, Ken Kastelitz, Jim Woodhull, Shirley Ewan, Clint Tinsley and Darren Raney.

Motion was made by Dahl, second by Gregrey to approve the following consent items as amended:

- Approve April 15, 2002 regular City Commission meeting Minutes.
- Accepts Bills and Claims for FY 2002. Removal of the Claim to the Chamber of Commerce, rental deposit, in the amount of \$100.00 due to damages that occurred during the rental of the Civic Center.
- Consider recommendation of Sale of the Garage Doors to Jerry Weimer for \$25.00 for all four (4) doors of the Fire Station.
- Authorize Handicapped Parking Sign at 622 West Chinook Street in graveled Boulevard area in front of the house. Mr. Davis inquired about how many spaces would be appropriated to the handicap vehicles, as the petitioner's own 2 vehicles. Mr. Golnar replied that there would be one space allotted.

All in favor, Motion passed.

Public Hearings:

A public hearing was heard and comments accepted on uses of Community Transportation Enhancement Programs (CTEP). The Mayor's Landing Group is in favor of using the funds to assist in developing a community trails system connecting Mayor's Landing to the North side of town across Fleshman Creek, to other public spaces such as Sacajawea Park and to other areas of the County. A project application was not completed and this project was viewed as conceptual at this time. Sandy Wulf of 104 Star Road spoke in favor of using the funds for a bike and walking path from the Star Addition to 5<sup>th</sup> Street. Mr. Golnar explained that due to all the restrictions and expenses involved in using CTEP funds that projects are recommended to be at least \$100,000 to make them cost effective. He did however state that he would try and add the Bike Pedestrian Path to the

budget for FY 2002-2003. Commission consented to adding this to the preliminary budget.

Motion was made by Dahl, and seconded by Davis to pass over a CTEP program funding application for the upcoming fiscal year and save the funds for a larger, more defined project.

All in favor, Motion passed.

Public comment was accepted on Ordinance 1908. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 14-84 AS ENACTED BY ORDINANCE NO. 1437 REGULATING THE DISCHARGE OF BIOCHEMICAL OXYGEN DEMAND (BOD) AND TOTAL SUSPENDED SOLIDS (TSS) FOR THE PUBLIC SEWER SYSTEM OIL AND GREASE INTO THE CITY SEWER SYSTEM AND PROVIDING FOR A SURCHARGE FOR USERS WHO EXCEED THE DISCHARGE LIMITS. No public comment was received. Roll call vote was taken.

All in favor of final reading of Ordinance 1908.

Public comment was accepted on Ordinance No. 1910 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO 1846 AS CODIFIED BY SECTION 9-246 OF THE LIVINGSTON MUNICIPAL CODE BY AMENDING THE TWO HOUR PARKING ZONE TO INCLUDE A PORTION OF THE 300 BLOCK OF SOUTH MAIN STREET. No public comment was received. Roll call vote was taken.

All in favor of final reading of Ordinance 1910.

Public comment was accepted on Ordinance 1912 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING BY REFERENCE AMENDMENTS TO THE UNIFORM BUILDING CODE, 1997 EDITION; MODEL ENERGY CODE, 1993 EDITION; UNIFORM CODE FOR BUILDING CONSERVATION, 1997 EDITION; CABO ONE AND TWO FAMILY DWELLING CODE, 1995 EDITION; AND THE UNIFORM MECHANICAL CODE (ICBO), 1997 EDITION, AND AMENDING ORDINANCE NO. 1879. No public comment was received. Mr. Davis is concerned about these ordinances affecting the older homes in the City. Mr. Becker explained that this would not affect them unless remodeling was undertaken.

All in favor of final reading of ordinance 1912.

First reading of ordinance 1911 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND AND CREATING A PENALTY FOR VIOLATION THEREOF. Mr. Romans made a motion to table this Ordinance until a workshop could be

scheduled to decide which noises would apply, seconded by Mr. Gregrey. All in favor Ordinance tabled.

Resident Gene Moore, 231 South C Street, spoke in favor of Ordinance 1911.

Resolution No. 3263 was taken out of order so that questions could be answered by Caron Roberty representing Human Resource Development Council (HRDC). Resolution No. 3263 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DESIGNATING CITY PLANNER AS THE ENVIRONMENTAL CERTIFYING OFFICER. Motion was made by Dahl and seconded by Davis to approve Resolution 3263. Ms Roberty explained what an Environmental Certifying Officer does and explained this was not required in the purchase of the Sherwood Apartments as the structure is already standing but if they choose to do some upgrades the Environmental Certifying Officer would have to sign off on the remodel. City Planner, Jim Woodhull, informed the City Commission that he had served in similar capacities for other HRDC projects.

All in Favor, Resolution No. 3263 passed.

Resolution 3258 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MICROCOMM FOR THE PURCHASE AND INSTALLATION OF A VARIABLE FREQUENCY DRIVE CONTROL SYSTEM FOR THE WASTE WATER TREATMENT PLANT. Motion was made by Dahl and seconded by Romans. Mr. Gregrey questioned whether we were meeting the bidding requirements by breaking this project into parts. Mr. Golnar state he believes we are. Mr. Tinsley stated that a lot of the work would be done in-house and the project was broken up to most effectively accomplish each portion and that each portion would be under \$25,000. Ms. Dahl made a motion to amend the Resolution by striking installation (in paragraph 3) and adding "start up testing", seconded by Gregrey. All in favor of amendment.

All in favor, Resolution No. 3258 as amended.

Resolution 3259 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH TECH ELECTRIC FOR THE INSTALLATION OF A VARIABLE FREQUENCY DRIVE CONTROL SYSTEM FOR THE WASTE WATER TREATMENT PLANT. Motion was made by Dahl to approve Resolution 3259 and seconded by Romans

All in favor, Resolution No. 3259 passed.

Resolution 3260 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH SICKLER ROOFING SERVICE FOR THE WASTE WATER TREATMENT PLANT. Motion by Romans in favor of Resolution 3260,

seconded by Dahl. Ms Dahl questioned whether any other Contractor bid on this project. Mr. Tinsley stated that they did and the City took the lowest bid.

All in favor, Resolution No. 3260 passed.

Resolution 3261 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH NELSON ENGINEERING FOR THE WATER MAIN AND STORM DRAIN REPLACEMENT PROJECT - 3<sup>RD</sup> THROUGH 5<sup>TH</sup> STREETS INCLUDING PARK STREET FROM PARK TO CALLENDER STREETS. Motion was made by Dahl, seconded by Gregrey.

All in favor, Resolution No. 3261 passed.

Resolution 3262 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN PROFESSIONAL SERVICES AGREEMENT WITH NELSON ENGINEERING FOR THE SEWER MAIN PROJECT - GEYSER FROM 9<sup>TH</sup> STREET TO 13<sup>TH</sup> STREETS. Motion was made by Dahl, seconded by Gregrey.

All in favor, Resolution No. 3262 passed.

Resolution No. 3264 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN DOCUMENTS FOR FEDERAL ASSISTANCE FOR THE IMPROVEMENTS TO MISSION FIELD PROJECT. Motion was made by Gregrey and seconded by Dahl to approve Resolution #3264. Mr. Golnar stated that the local match from the City would have to be budgeted out of FY 2002-2003 budget. The local match is \$10,000. One half would be paid by the City and one half by the County. Dahl made a motion to amend the Resolution by adding to the end of paragraph 4 "the City's local match of \$5,000 will be budgeted for and dispersed out of the 2002-2003 Fiscal Year budget", seconded by Romans. All were in favor of the amendment.

All in favor, Resolution No. 3264 passed as amended.

Motion was made by Dahl, seconded by Gregrey to adopt the "Emergency Call" Program. Acting Fire Chief, Brown stated that this program has been needed for some time and there will be no cost to the City. At present there are 25 phones that are available to be checked out (by residents) to be used for dangerous situations or emergencies.

Motion was made by Dahl and seconded by Romans to approve the bids on the Street Maintenance materials. The following are the bids that were in the Motion:

- STS Gravel, Livingston - for chips @ \$8,778. for 840 Cubic Yards and \$10.45 per cubic yard over 840 cubic yards.
- Cenex Oil, Laurel - 800 MC Oil @ \$10,744. for 14,000 gallons and \$.77 per gallon over 14,000 gallons.
- JTL, Belgrade - Blacktop @ \$12,800. for 400 tons and \$32 per ton over 400 tons.

All in favor, motion passes.

Motion was made by Dahl and seconded by Romans to reject the lowest bid on bids for Street reconstruction for 2<sup>nd</sup> through 9<sup>th</sup> Streets from Front to Chinook Streets as being non-responsive. Mr. Golnar explained that MACPE did not provide the experience and references for the Engineer and Staff to be confident of successful completion as a General Contractor for a Street Reconstruction project similar to the one being proposed and that the next higher bidder had such experience. Mr. Becker reviewed with the City Commission its ability to accept the lowest responsive bidder. All in favor, motion to reject MACPE bid passed. Motion was made by Dahl seconded by Gregrey to approve the bid for Bainter Backhoe Service for the reconstruction bid for 2<sup>nd</sup> through 9<sup>th</sup> Streets from Front to Chinook Streets. All in favor motion passed.

The adoption of Yellowstone River Bridge has been moved to a workshop per consent of the Commission.

Motion was made by Romans and seconded by Gregrey to put together a plan to sell the east portion (new section) of the East Side School providing the pending structural feasibility study comes back stating the structure is sound. Ms Dahl stated that the east half of the building would need to be appraised and placed for bids. Mr. Davis stated that he is against "piece mealing" property sales and that a long-term lease would be his preference. Mr. Golnar stated that the feasibility report is due around the 13<sup>th</sup> of May, 2002. Pam Schoenen, Firehall Fitness Center stated that she is interested in buying the new section of the school but would not want to lease it, as they would be remodeling the section to accommodate their business. All in favor, motion passed.

Motion was made by Dahl, seconded by Gregrey to split the cost of the Main Lobby elevator upgrade charges in a 37% - City and 63% - County manner and that the repairs would be expended out of the 2002-2003 Fiscal Year budget. The City will not take on the responsibility of upgrading the jail elevator. All in favor, motion passed.

The City Manager's comments were reviewed. The Commission requested that Ken Weaver, with the Local Government Center, chair a work-session on the "Charter Form of Government". Mr. Golnar will look into this.



Mr. Golnar commented on the need to get going on the GIS/Rural Addressing position so the City/County could get E-911 up and running.

The following comments were heard from the Commissioners:

Davis – Mr. Davis is still interested in a one-way street around Sacajawea Park and would like it looked into. He also would recommend that a 3 way stop sign be put up at the corner of Park and Second.

Romans – Mr. Romans would like the City to send a thank you to Montana Rail Link for the train ride to Logan. He stated that there would be a Skate Park meeting May 7<sup>th</sup>, 2002, at 7:00 p.m. He also received a call from Christie Speck in regards to a drainage problem she was having at her home.

Dahl – Ms. Dahl reminded Mr. Golnar that he needs to include the Bike Path from Star Addition to 5<sup>th</sup> Street in the Budget process.

Blakeman – Ms. Blakeman stated that the County has awarded for the East Highway 10 Entrance Sign, and Landscaping project.

Gregrey – Commented on the Lewis and Clark Committee.

Public comment was heard from Christie Speck, 1308 West Summit. She was there to advise the Commission about her drainage problem in her yard and stated that she feels that this resulted from an error on the previous Building Inspectors part and she would like the City to take responsibility for its error. Mr. Becker stated that the problem was being dealt with through MMIA and he did not feel that it should be discussed during the Commission Meeting.

Motion was made by Dahl, seconded by Gregrey to adjourn the meeting there being no further business. Motion passed.

The time was 10:05 p.m.

ATTEST:

APPROVED:

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Shirley Ewan  
Finance Officer

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Vicki Blakeman  
Chairman, City Commission

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LIVINGSTON  
CITY COMMISSION MEETING  
May 20, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, April 15, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Lenny Gregrey, Sheryl Dahl, Ed Davis, Sr. and Vicki Blakeman. Thomas Romans was absent.

Staff members present were Bob Brown, Jim Woodhull, Shirley Ewan, Steve Golnar, Ken Kastelitz, Clint Tinsley and Glenn Farrell.

Motion was made by Dahl, second by Gregrey, to approve the consent items as amended as follows:

- A. Approve May 6, 2002 regular City Commission meeting minutes as amended.
- B. Accept Bills and Claims for FY 2002.
- C. Approve Department Heads monthly reports and other minutes.
- D. Cancel contract between City and Hi-Tech for Sidewalk Repair on Resolution No. 3240.
- E. Approve Special Events for the following:
  - a. Wedding for Robert Jenkins and Lillian Slater on June 1, 2002.
  - b. Mark's In & Out Car Show on June 21 and 22, 2002.
  - c. Downtown Hoedown on June 30, 2002.
  - d. Sustainability Fair 2002 on July 12 and 13, 2002 in Rotary Park.

Ed Davis asked about the disturbance of keeping a person out of town on June 1, 2002 for the Wedding of Robert Jenkins and Lillian Slater. Steve Golnar asked Acting Police Chief, Glenn Farrell if this had been looked at and Glenn stated that he was sure that Darren Raney was made aware of this and would take it into consideration in association with this event. Golnar indicated that he will talk to Mr. Raney before notifying Ms. Slater.

Sheryl Dahl stated that she felt that the City Commission should not be acting upon this event due to the fact that the event is not very large and it is in Sacajawea Park.

Motion was made by Dahl, second by Gregrey, to strike item E (a) from the consent items; Wedding of Robert Jenkins and Lillian Slater.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to strike item E (d) from the consent items; Sustainability Fair 2002. The City Commission directed the City Manager, Steve Golnar, to write a letter to the Jody Allen, Corp for the Northern Rockies, chairing this event to say that the City Commission

referred final approval to the Depot Center for this event because it is being held in Rotary Park which is leased by the Depot Center.

All in favor, Motion passed.

Vicki Blakeman, Chairman of the City Commission read a Proclamation for American Legion Auxiliary's Poppy Day on Friday, May 24, 2002 and a Proclamation for Emergency Medical Services Week, the week of May 19 - 25, 2002 authorizing her signature.

Motion was made by Dahl, second by Gregrey, to approve the findings of fact for the Heckles Variance. John and Wendy Heckles of 324 South 3<sup>rd</sup> Street, owners of property described as Lots 12-13, Block 113, Original Township, requested a variance from the rear and side setback requirements for RII zoning districts. They wish to rebuild and expand their existing garage in its current location approximately 1 foot from both the rear and side property lines. The City Code requires a 5 foot setback from both the rear and side property lines.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the Heckles Variance.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3266 as written - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE GARBAGE/SOLID WASTE DISPOSAL RATES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS OF THE CITY OF LIVINGSTON IN THE AMOUNT OF \$1.10 PER MONTH.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to amend Resolution No. 3266 to add: "Whereas, Park County rate increases for Incinerator charges and Land Fill charges have increased operation costs for the City by approximately \$38,000 per year effective January 1, 2002," as the 5<sup>th</sup> whereas of the Resolution No. 3266 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE GARBAGE/SOLID WASTE DISPOSAL RATES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS OF THE CITY OF LIVINGSTON IN THE AMOUNT OF \$1.10 PER MONTH.**

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3267 as written - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN**

**CONSTRUCTION AGREEMENT WITH BAINTER BACKHOE AND CAT SERVICE FOR THE STREET RECONSTRUCTION OF 2<sup>ND</sup> THROUGH 9<sup>TH</sup> STREETS FROM FRONT TO CHINOOK STREETS.**

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to approve Resolution No. 3268 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO INCREASE AMBULANCE SERVICE RATES.** Dahl asked Bob Brown, Acting Fire Chief, if he could explain the "critical care" billing category and why in the past patients were not charged for this. Bob stated that it was a new category for Medicare, also called "specialty care transport". Dahl also asked Bob Brown what "intubations" were. Bob stated that this is when you put a tube down their trachea. Dahl asked if transfers were paid for in advance. Bob stated that they are not paid in advance. People rely on their insurance to pay for the costs as much as possible. The ambulance service cannot deny to anyone their service. Davis stated that as much as he dislikes a big increase in rates, he noted that it has been 5 years since the ambulance rates were increased. Bob Brown mentioned that within the past 5 years wages have gone up 17% when this next year was included. Also that the cost of supplies and equipment for our Ambulance's have gone up and the new Medicare fee schedule is being mandated by our federal government as part of the Balance Budget Act. Bob stated that the increases in rates are very necessary for the Ambulance Service to survive in our City.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to table Resolution No. 3269 until the next meeting - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE TO BRESNAN COMMUNICATIONS, LLC.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3270 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY COMBINING THE 911 ADVISORY COMMITTEE WITH THE COMMUNICATIONS ADVISORY COMMITTEE.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3271 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN HRDC AND MATNEY-FRANTZ ENGINEERING FOR THE ADMINISTRATION AND MANAGEMENT OF THE CDBG PROJECT FOR THE**

**ABATEMENT OF DANGEROUS MATERIAL AND EXPENDITURE OF CDBG FUNDS.** Steve Golnar gave background information and stated that Jeff Rupp and Caron Roberty from HRDC were present and if the Commission had any questions of them to please ask. Mr. Golnar summarized the bidding process as he understood it. Vicki Blakeman asked Jeff Rupp, President of HRDC, if one Resolution was for hauling the stuff away after it had been taken out. Jeff replied that one Resolution was between HRDC and Matney-Frantz was to oversee specifications for the work to be done and the other Resolution between HRDC and Brickely Environmental, Inc. was for the actual removal of the dangerous materials.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3272 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN HRDC AND BRICKLEY ENVIRONMENTAL, INC. FOR THE REMOVAL OF DANGEROUS MATERIALS FROM THE MILES BUILDING REHABILITATION PROJECT AND EXPENDITURE OF CDBG FUNDS.** Vicki Blakeman asked Mr. Rupp for the record do you know what they will be removing? Mr. Rupp answered by saying that it was asbestos in the floor of the second floor and they are in the process of relocating the people on that floor prior to performing the work.

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to post-pone a request until the next meeting for a 15 mph "School Zone" designation for the area around the Livingston Head Start Center at South "F" and East Lewis. Steve Golnar stated that his initial recommendation would be to deny this request, but upon reading Police Chief, Darren Raney's report after looking into the matter further, that he would like to have Mr. Raney do more monitoring of the intersection before making a final recommendation. Joan Davies, Director of the Head Start Program in Livingston, came forward and stated that the reason that they requested this school zone designation was that they have one half-day class and one full day class. The full day class is offered all year. They have 18 children in that class. The class starts at 7:30 a.m. and ends at 5:30 p.m. and sometimes parents bring their children in earlier and pick up later that this time frame. Parents are concerned that the traffic then is too fast around that area and they are concerned for their children's safety. Steve Golnar asked Ms. Davies if her concern was only on East Lewis? Ms. Davies stated that their concerns are on both South "F" and East Lewis Streets. Dahl asked Ken Kastelitz if the City does do signage would the City have to have signs all the way around the School area or just on Lewis Street? Ken stated that with the Stop signs on South "F" Street the City wouldn't need to put 15 mile per hour signs there but the City would need to put a sign on East Lewis Street and that there would be a sign on both sides of the Street.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the City Manager's authorization along with the City Attorney to work with the County Attorney to develop an agreement which accomplishes the reorganization of representation of the Refuse District Board as proposed. Vicki Blakeman asked that there being 3 representatives from the City if one of those would be a City Commission? Steve Golnar stated that his suggestion would be that one of the representatives be a City Commissioner.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve City Manager's recommendation that the Commission acknowledge receipt of the formal request to commence with renewal proceedings with AT&T and direct the City Manager and the City Attorney to initiate a process of seeking to obtain the appropriate technical expertise to allow the City to accomplish the best job that they can.

All in favor, Motion passed.

Motion was made by Gregrey, second by Davis, to direct the City Manager to proceed with follow-up concerns raised by Commissioner Gregrey regarding Ordinance No. 1905 - The Source Water Protection Area. A lot of discussion about this matter was among the City Commission and Staff.

3 in favor; Davis, Gregrey and Dahl, 1 opposed; Blakeman, Motion passed.

The City Manager informed the City Commission that the Initiation of the CTEP Landscaping Improvements project was anticipated to begin after the Urban Design Plan was completed in July 2002. Based on information from the Department of Transportation that they have given the go-ahead to plant Eucalyptus Trees in a portion of the Clover Leaf areas at the South 89 I-90 Interchange, the City Commission decided to have City Commission representation on the Landscaping Project Committee. Vicki Blakeman and Lenny Gregrey volunteered to be on the Committee. Also the City Manager, Steve Golnar, requested the authorization from the City Commission to begin the process of Consultant selection for this project. A meeting is scheduled for Wednesday, May 22, 2002 to review the Eucalyptus Tree planting plans and the City's Landscaping plans with the Department of Transportation. Steve will get back to Vicki and Lenny with the time of the meeting.

The City Manager's written comments were reviewed.

- Lenny Gregrey asked about the Goose Roundup Status that Mr. Hoover, of USDA commented on the encouragement of not feeding the geese and how the community would feel about this with the

enforcement? Mr. Golnar stated that he was passing on suggestions as to how to manage the goose population to reduce the need for an Annual Goose Round-up.

- A request from the City Commission was brought up to have put on the Agenda for the next meeting about motorboats being allowed on the Lagoon specifically for the Goose Round-up purposes in 2002.
- Vicki Blakeman asked about the Denton Subdivision and that there was some remarks about the time frame and how long it has been since the Street were completed. Bruce Becker stated since 1995.

Commissioner Davis Comments:

- He commented that the Front Street Bike/ Foot Path letter which he had provided to the Commission for their information in the packet was just his own personal opinion.
- He also asked about the one-way traffic in Sacajawea Park and a 3 way Stop sign at 2<sup>nd</sup> at Park Street request that he asked about at a previous meeting. Ken Kastelitz made comments about the one-way traffic in Sacajawea Park that at one time there was one-way traffic on the back road along Fleshman Creek and what happened was that signs were taken down and gone. Ken stated that people like the traffic to go around the park and that this Street is on the Urban Highway System. It's a collector Street for Park Street and the State Highway Department would not be happy with a one-way Street through there, where it would only collect one-way traffic.

Commissioner Dahl Comments:

- She stated that the meeting last Tuesday that was directed by the Alliance Development Corporation was very interesting and she learned a lot from it and mentioned to Dana Taylor, Director of the Alliance Development Corporation, that she would like to be on the Parking Committee and hoped that the City Commission would concur with her request.
- She also thanked the Commission for allowing her to go to the Municipal Clerk & Treasurers School on May 8<sup>th</sup> and 9<sup>th</sup>, 2002.

Commissioner Gregrey - No comments.

Chairman, Vicki Blakeman Comments:

- Reminded everyone that the Urban Design Plan Open House at the Elk's Lodge was May 23, 2002 at 6:30 p.m. - 8:00 p.m.
- She mentioned that while walking near Fleshman Creek on the backside she noticed that there were some beaver dams and requested that the Public Service Department take care of this removal.
- She stated that she had received in the mail from the State of Montana the Strategic Plan for Information Technology and mentioned if anyone wanted to read this information to let her know.

No public comments were given.

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

The time was 9:20 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
June 3, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 3, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Lenny Gregrey, Sheryl Dahl, Ed Davis, Sr., Thomas Romans and Vicki Blakeman.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Bob Brown, Jim Woodhull, Clint Tinsley and Ken Kastelitz.

Motion was made by Dahl, second by Romans, to approve the consent items as amended as follows:

- A. Approve May 20, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.
- C. Approve Special Events for the following:
  1. Sierra Club celebration for Lewis and Clark Day on June 22, 2002 in Sacajawea Park.
  2. Concert in Bandshell and Miles Park area on July 4, 2002 is being proposed to be moved to Mayor's Landing. More information will be given by Steve Golnar at a later day.
- D. Authorize use of motor powered water craft in the Lagoon for the purposes of the 2002 Goose Roundup.

Sheryl Dahl asked about the claims for Normont Equipment for the knives. Ken Kastelitz stated that the knives are for the kitchen in the Civic Center. Also Dahl asked about the claim from Northern Energy for propane since the Pool is not open why do we still need to pay them. Ken stated that the heater needs to be operational at the Pool during the off-season.

Ed Davis, Sr. asked about the claim to Entranco for the Urban Design Plan. Steve Golnar stated that this is an installment payment for the existing contract. Also Davis asked about the claim for Qwest Government Services, Inc. for new phones. Steve Golnar stated that this is for the new phone system which was included in the budget to change to the Centrex system from our existing system to improve compatibility in communicating with dispatch and other offices in the City/County Complex.

Steve Golnar stated that the concert in the Bandshell and Miles Park area on July 4, 2002 has been requested by ABC (American Broadcasting Company) to be moved to the Mayor's Landing. The event coordinators are proposing Mayor's Landing as the priority site and they would like approval for either site pending resolution of planning details. Staff has concern about access and parking availability. There appears to be a need to have a shuttle system and the City needs to coordinate with the County on jurisdictional

matters. Final coordination of the event will be provided at a later date per Steve Golnar.

Motion was made by Dahl, second by Romans, to amend the consent items to allow for consideration of the concert at the Mayor's Landing site as the primary site pending resolution of outstanding issues to the Commission's satisfaction on the Bandshell and Miles Park area on July 4, 2002. Steve Golnar stated as information comes his way he will keep the City Commission aware of the details.

All in favor, Motion passed.

Gladys Durden of 515 W. Gallatin Street gave comments on the Goose Roundup. She was concerned that moving the geese away from the Park would take away the enjoyment of having lunch in the Park with her companions and the scenery of the geese and all of the other birds.

Motion was made by Gregrey, second by Dahl, to recommend City Attorney prepare an Ordinance revising the City Code to allow for this revision in speed zones for East Lewis Street for a 15 mph "School Zone". Darren Raney, Chief of Police, after monitoring the speeds of vehicles in the 500-600 Blocks of East Lewis Street recommended that a 15 mph zone be established on Lewis Street from the alley in the 500 block of East Lewis eastward to "F" Street. Joan Davies, Head Start Director, was present to answer any questions.

All in favor, Motion passed.

Wally O'Hara of 203 South Yellowstone gave a scheduled public comment relating to animal control laws in the City. He stated since the 9<sup>th</sup> of May the State of Montana has had three violent dog attacks which has caused considerable damage to three young girls in Montana. Also Mr. O'Hara commented that on May 9<sup>th</sup> in Livingston, his wife and himself and his little poodle went for a walk. Their poodle was on a leash and while walking near 114 West Clark Street a dog jumped them. Mr. O'Hara thought that it was a Pit Bull but was later corrected that it was an American Bull Dog. He kicked the dog but the dog would not let go of their poodle. Jim Barrett was driving by and stopped and grabbed the dog by the hind legs to force the dog to let go of the poodle. Mr. Barrett later lowered the dog down and laid his head on the sidewalk and finally the dog let go of the poodle. Mr. O'Hara grabbed the American Bull dog and took him up the steps to his owner and put him in his house and when he turned around to go back down the steps the dog hit the door trying to come back out again. Mr. O'Hara stated that his whole purpose in coming to the City Commission was to encourage the City to look at these type of dogs which attach small animals and small children and require a Dog Ordinance which states that owners that come into the City to get a license for these kind of animals should be physically capable of restraining their dogs. Mr. O'Hara mentioned that the owner of this dog was

in a wheelchair and he really feels sorry for her. The Animal Control Officer gave the owner of this Dog a citation for failure to restrain their dog. But Mr. O'Hara disagreed with this and asked the Animal Control Officer why he didn't give a ticket for harboring a vicious animal. Mr. O'Hara thanked the City Commission for their time. He summarized by stating that his dog is doing O.K. and also hopes that the City Commission will do something about this before it happens again.

Many suggestions were given by the City Commission to direct the City Attorney and City Manager to follow-up on this concern and get information back to the City Commission relating to the safety of our community. Steve Golnar stated that he would have a report at the next meeting.

Diana Seider of 126 South 5<sup>th</sup> Street commented that a similar incident happened to her while walking her child to school with her dog.

Public Hearings as follows:

Motion was made by Dahl, second by Romans, to approve Resolution No. 3273 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING GARBAGE/SOLID WASTE DISPOSAL RATES FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS OF THE CITY OF LIVINGSTON IN THE AMOUNT OF \$1.10 PER MONTH.**

No public comments were given.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3274 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING AMBULANCE SERVICE RATES.**

No public comments were given.

All in favor, Motion passed.

Resolutions as follows:

Motion was made by Romans, second by Dahl, to approve Resolution No. 3269 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE TO BRESNAN COMMUNICATIONS, LLC.**

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3275 adding Exhibit C - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING HEALTH INSURANCE COVERAGE FOR CITY EMPLOYEES AND ALLOWING THE CITY MANAGER TO**

**SIGN SUCH CONTRACT.** Steve Golnar mentioned that the insurance rates will stay the same as last year.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3276 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN 2002-2003 FUNDING AGREEMENT FOR CULTURAL AND AESTHETIC PROJECT GRANT #952 FOR DEPOT MUSEUM OPERATIONAL AND EXHIBIT SUPPORT.** Diana Seider, Museum Director of the Depot Center gave background information pertaining to this grant.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to authorize City Manager to sign application for Title V Delinquency and Youth Violence Prevention Grant as proposed and fiscal agent arrangements. Dan Krause with Communities That Care program gave background information on this grant proposal.

3 in favor; Blakeman, Gregrey and Dahl, <sup>1</sup> 7 opposed; ~~Davis and~~ Romans, Motion passed, 1 ~~Davis~~ *abstained.*

Discussion among the City Commission, City Manager and Staff was given for the consideration of the Depot Center Waterline failure in that communicating with Montana Rail Link that the repair estimates and the City's role would be determined. Steve Golnar stated that this was for information only and that he would keep the City Commission up to date with any new information as it comes available. Dahl asked how long the project would take to be operational again due to the summer festivities are coming quickly upon us. Steve stated that he is working with Montana Rail Link as quickly as they can to determine an answer to fixing the waterline so that this does not happen again in the future. Diana Seider, Director of the Museum made comments of the urgency of fixing the waterline for the use of the facilities for the upcoming events. Diana also asked that while working with the City and Montana Rail Link in fixing the waterline that they be cautious of tearing up the lawn or sidewalks as this area will be used and repairs should be considered with these activities already scheduled this summer. In conclusion Steve Golnar stated that he would keep the City Commission up to date on this concern.

After much discussion among the City Commission the consideration of proposing an Interlocal Agreement with Park County for establishing the Geographic Information System was determined by the City Commission to direct the City Attorney to develop a Resolution authorizing the City Manager to sign an Interlocal Agreement at the next meeting on June 17, 2002. Also this will be discussed at the City/County meeting that is scheduled to be held

on Wednesday, June 5, 2002. Steve Golnar gave background information relating to this issue being proposed.

There was discussion on the consideration of the Yellowstone Country Museum funding request for 2002-2003. The representatives of the Museum requested help from the City in the amount of \$5,000.00 for fiscal year 2002-2003. They need \$2,700.00 to help cover a part-time employee and plan to use the remaining \$2,300.00 on marketing related efforts. There was no action taken among the City Commission at this time.

The City Manager's written comments were reviewed.

- Vicki Blakeman asked about the road that the City did not want to abandon and where it was located. Steve stated that this is near the area of 8<sup>th</sup>, 9<sup>th</sup> and Reservoir Street and Summit Street so that it goes from Fleshman Creek Road crosses across the Branding Iron Subdivision and angles down into town. Steve recommended against this abandonment and the County concurred and did not allow this.
- Sheryl Dahl asked about the By-laws of the Park County/City of Livingston Communications Advisory Committee. She asked if this was set in stone or could it be revised due to her concern of the under "Advisors (non-voting)" there is a "Police Head Dispatcher" and it was her understanding that if the City went with the thought process that was discussed at the last City/County meeting that it should be just the "Head Dispatcher". Steve Golnar mentioned that it should be the title that the City is currently using. If it changes, then the by-laws could be changed. Also Sheryl asked under qualifications on the by-laws what if a person had a cellular phone could they be considered for membership. Bruce Becker stated that it would be difficult to track a cellular phone but that possibly it could be considered as having membership with persons that only have cellular phones.
- Lenny Gregrey asked about the results of the Old East Side School Structural Analysis what is the cause of the delay in having it ready for the City. Steve stated that the Engineer gave the City a report that they are working on it and that it was going to be more detailed then they thought it would and that they hoped to have the results soon. Lenny asked if it was going to cost any more money and Steve stated that it would not cost any more.

Commissioner Davis had no comments.

Commissioner Romans had no comments.

Commissioner Dahl Comments:

- She mentioned the letter from Larry Rafferty about the Entranco and she mentioned that she did not understand the book because it was so technical and that the City should encourage Entranco that they need to consider their information being more user friendly for the understanding of the City Commission, Staff and community members

involved in the improvements of the City. She asked that the City Manager write a letter to Entranco in this effect.

Commissioner Gregrey Comments:

- He asked about the status of the Noise Ordinance and whether the City Commission needs to have a Workshop relating to this issue. Steve stated that yes we need to have a Workshop on this issue and to let him know when that would be possible.
- He also asked about the status of the Alley Clean-up whether it was completed or not. Ken Kastelitz stated that they were done in seven days. Lenny asked how he could arrange for the leaves to be picked up and Ken stated that he would take care of it.

Chairman, Vicki Blakeman had no comments.

Public comments were given by Bob Brown, Acting Fire Chief. He commented that he has been involved in the EMS program for 18 years and in that time he has watched our older generation fall down and go to hospital to get a hip replaced or what ever and end up in a rest home for the rest of their lives. He feels that this occurs way too much in Park County and it takes away from the individual's independence. He has taken the statistics and developed a program called Senior Injury Prevention Program. His goal is to reduce injuries at least 10%. He presented this program at the State Injury Prevention Conference in Missoula and the State has taken this and adopted this program. Unfortunately there is no funding for this program. He has tried to get funding since the year of 2000. Earlier this year he application at Billings Deaconess Clinic and they gave the program a \$1,200.00 grant. He stated that this was not much money but that it was a start to be able to buy some supplies. This program would have physicians on board to do evaluations on these people and that there will be pharmacist aboard that can provide pharmacy products and other valuable personnel. He concluded in stating that this the City should be proud of this program in that we are giving back something to the people that we often forget about and that he would like to give credit to Billings Deaconess Clinic for their donation in starting this program. Vicki Blakeman added that she would like to thank Bob for his interests in getting this program going.

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

The time was 9:25 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
June 17, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, June 17, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Sheryl Dahl, Ed Davis, Sr., Thomas Romans, Vicki Blakeman and Lenny Gregrey.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Bob Brown, Jim Woodhull, Jim Mastin and Ken Kastelitz.

Motion was made by Gregrey, second by Dahl, to approve the consent items as follows:

- A. Approve June 3, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.
- C. Approve Department Head Monthly Reports and Other Minutes.
- D. Approve Special Events for the following:
  1. Annual Livingston Roundup Parade on July 2, 2002.
  2. Rubber Duckie Race on July 21, 2002.
- E. Finalization of July 4, 2002 Concert arrangements in the Bandshell area and Miles Park.
- F. Approve Draw down Request #2 for Miles Building Rehabilitation Community Development Block Grant.

Steve Golnar stated that he had met with Alan Cody with Tall Pony Productions and with Staff and suggested that the finalization of the July 4, 2002 Concert memo to Mr. Cody dated June 14, 2002 will not require a shuttle for the handicapped. It will instead read: "Handicapped and Traffic Control - an off-site handicapped parking lot to be located by the swimming pool and behind Sleeping Giant Middle School". Also in the memo it was stated by Steve that the memo be revised to say that "There shall be no camping allowed" instead of "There shall be no camping allowed at Mayor's Landing". Steve also stated that the memo states, "In addition, a hold harmless agreement with both the City and County shall be signed". This was changed to say, "In addition, a hold harmless agreement with the City shall be signed". Steve went on to state that there was a concern by Tall Pony Productions about two to three trees in the Miles Park Bandshell area which may block camera views of the stage during filming of the July 4<sup>th</sup> Concert. Steve stated that he was concerned if any trees were removed from the Park would they survive relocation. Ken Kastelitz suggested that the trees could be relocated in the Band Shell area and that Tall Pony Productions should be responsible for the cost of relocating the trees and purchasing three new trees of similar size. Steve also stated that Michelle Lee would cancel the Karst Contract for Handicap shuttle, as there would be no shuttle required. Also under signage the remaining amount of purchases

for any material would come from a Petty Cash fund established by Tall Pony with the Film Liaison office instead of as stated \$160.00 in exhibit 4. Steve Golnar's recommendation after much discussion was to approve the concert with these updates.

Motion was made by Dahl, second by Gregrey, to amend the consent items on the 4<sup>th</sup> of July Concert in the site plan to add "any trees removed/relocated shall be paid for by Tall Pony Productions and any trees relocated will be replaced with a similarly sized tree by the applicant following the project".

All in favor, Motion passed.

Steve Golnar thanked Bob Brown, Acting Fire Chief for the time that he served as the Acting Fire Chief and also introduced and welcomed Jim Mastin, the new Fire Chief, to the City of Livingston.

Vicki Blakeman, Chairman, read a proclamation for the period of June 24<sup>th</sup> through July 5<sup>th</sup> for Rodeo Days and also a proclamation for the week of July 7<sup>th</sup> through 13<sup>th</sup> for Sustainability Week.

Motion was made by Gregrey, second by Dahl, to approve Ordinance No. 1913 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1868, AS CODIFIED BY SECTION 9-150 OF THE LIVINGSTON MUNICIPAL CODE, BY ESTABLISHING A 15 MILE PER HOUR SCHOOL ZONE FOR THE HEAD START SCHOOL ON LEWIS STREET FROM THE ALLEY IN THE 500 BLOCK OF EAST LEWIS EASTERLY TO "F" STREET, AND CLARIFYING EXISTING SCHOOL ZONES.** Ed Davis asked about the Middle School area as stated as the 400 Block of South "E" Street was not enough of a description for that School. Darren Raney, Chief of Police stated that this is the property that the City owns and that is the only area that we can establish the speed zone through, the rest of the roads around the Middle School are under County jurisdiction.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3277 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH COMMUNITY ACCESS DEVELOPMENT CORPORATION FOR THE PURPOSE OF DESIGNING AN INTERNET WEBSITE FOR THE CITY OF LIVINGSTON.** Steve gave background information on this item as this would give the City a more established e-mail compatibility with the community and that this would be a budget item for next fiscal year.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3278 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**



**LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL AGREEMENT WITH PARK COUNTY MONTANA FOR THE DEVELOPMENT OF A GEOGRAPHIC INFORMATION SYSTEM.**

No action was taken.

Motion was made by Dahl, second by Davis, to amend Resolution No. 3278 under Interlocal Agreement second whereas to include Rural Fire.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3278 as amended to add the future shared Hardware throughout the duration of the contract be 1/3, 1/3 and 1/3 of any balance after grants and outside funding are taken into consideration and change from 20 Gigabytes to 80 Gigabytes of memory in the computer hardware requirements.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3278 as amended.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3279 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA HISTORIC PRESERVATION OFFICE PARTIAL FUNDING OF LOCAL HISTORIC PRESERVATION OFFICER.** Gregrey asked about the contract of the activities of the Historic Preservation Officer confined to the Historic Preservation District. Bob Ebinger of 128 South Yellowstone was present to comment that he had a difference of opinion with the design review. He stated that there is a Historic importance in the community of Livingston and that homeowners continue to be interested in preserving their homes in the Historic community. Gregrey stated that it was a good idea if a private homeowner wanted help in preserving their home and asked for the Historic Preservation Officer's assistance. But he added that he has a problem with having the Historic Preservation Officer initiating activities of listing buildings on the Nation Historic Register out side of the Historic Preservation District. Bob Ebinger commented that was not being done outside that Historic Preservation District that it's been initiated by citizens of Livingston in conjunction of talking with the Historic Preservation Officer. Bob Ebinger went on to say that there is a difference between public and private ownership of the Historic Preservation in the community.

No action was taken.

Motion was made by Gregrey, second by Romans, to **table** Resolution No. 3279 until the next meeting for more clarification of the agreement.

4 in favor; Gregrey, Davis, Romans and Blakeman, 1 opposed; Dahl, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3280 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN TEMPORARY OCCUPANCY AGREEMENT WITH MONTANA RAIL LINK FOR TEMPORARY PARKING SPACE FOR JULY 4<sup>TH</sup> SPECIAL EVENT.** Steve Golnar stated that this was an arrangement that was needed if the 4<sup>th</sup> of July Concert was to be held at Mayor's Landing. Now that the Concert has been relocated back to the Bandshell and Miles Park area, it is less of a concern but that he still felt that this would be appropriate to enter into this lease for back-up parking.

All in favor, Motion passed.

Motion was made by Davis, second by Gregrey, to Grant 2002-2003 Budget approval to complete Sewer Main Project on Geyser Street from 9<sup>th</sup> to 14<sup>th</sup> Street in the amount of \$220,000.00 and authorize advertisement for bids. Steve Golnar gave background information relating to this request. Also Steve Golnar stated that Scott Nelson, the Engineer of this program was in the audience for any questions to be asked of him.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Administrative Costs of \$348.00 in securing Montana League of Cities and Towns Electrical Energy Purchase Contract for 2002-2007. Steve Golnar stated that this was a fee for administrative costs in negotiating the 5-year contract.

All in favor, Motion passed.

Steve Golnar stated that in following up to the Animal Control concerns voiced at the previous meeting that information was provided in the packet for the Commission's review. Some examples of Dog Biting Ordinances were provided also in the packet for the Commission's review. Wally O'Hara of 203 South Yellowstone Street was present to state his comments. Mr. O'Hara stated that he felt that a dog is a luxury not a necessity. He felt that every pet owner should be responsible for his or her pet and to make sure that they are restrained or on a leash for the safety of the community. He also felt that the owners should be physically capable of restraining their own dog. He felt that the biggest problem is the enforcement of animal control laws in Livingston. He went on to say that most dogs in Livingston do not have a license.

After much discussion of the City Commission it was asked by the Commission to direct the City Attorney and the City Manager to review and revise our Dog Ordinance to try to address the concerns of the community.

Steve Golnar stated that he did not have enough information to make a decision on non-union wages for FY 2002-2003 yet. He will be providing this information to the Commission at the next Budget Workshop.

The City Manager's written comments were reviewed.

- Gregrey commented about the Structural Analysis for the Old East Side School – New Addition asked to be given for public awareness and put up for bid.
- Davis asked about the Proposed Budget for Rural Business Opportunity Grant and who pays for this. Steve stated that it is funded by the US Department of Agriculture and the fees provided is how they intend on spending those funds.
- Gregrey brought up that on the letter to John Guthmiller from the people who are applying for this grant it states that "the Livingston City Council" and this should be "the Livingston City Commission".
- Romans asked about the Diabetes Project letter from the project director if anyone was attending the meeting. He stated that he would volunteer to attend the meeting.
- Steve added to the Calendar of Activities & Events that there will be a Railroad Crossing Public Hearing on June 27, 2002 at 7:00 p.m. in the Community Room of the City/County Complex. This will be a second public hearing on the RR Crossing. Also there will be a meeting for the Elected Officials and Staff at 2:00 p.m. through 4:00 p.m. on the same day about the RR Crossing.
- Blakeman asked about the waterline at the Depot Center. Steve stated that the Water has been hooked up and the Utilities Department is determining how much it is going to cost and is determining who is going to pay for what. Steve stated that he would update the Commission when he finds out the particulars.

Commissioner Davis had no comments.

Commissioner Romans comments.

- Stated that the Skate Park blueprints have been received and the lists for the rest of the ramps and am looking forward.

Commissioner Dahl had no comments.

Commissioner Gregrey Comments:

- Commented that in the Gallatin County Mall that there is a display that runs through July 10, 2002 is put on by American Rivers going from St. Louis to the West Coast and back is a real expressive display.

Chairman, Vicki Blakeman had no comments.

Public Comments:

- Bob Ebinger of 128 South Yellowstone Street had read the Structural Analysis Report on the Old East Side School and had a positive opinion about it and that it would be very useful.

Motion was made by Gregrey, second by Romans, to adjourn the meeting there being no further business. Motion passed.

The time was 9:33 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
July 1, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, July 1, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Sheryl Dahl, Ed Davis, Sr., Thomas Romans, Vicki Blakeman and Lenny Gregrey.

Staff members present were Steve Golnar, Shirley Ewan, Darren Raney, Jim Woodhull, Jim Mastin, Ken Kastelitz and Clint Tinsley.

Motion was made by Gregrey, second by Dahl, to approve the consent items as follows:

- A. Approve June 17, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.

Sheryl Dahl asked about the bill for Virginia Dixon for \$12.00 and what it was for. Shirley Ewan answered by stating that it was a juror fee. Ed Davis asked about the bill for L.N. Curtis & Sons and what this was for. Shirley Ewan answered by saying that this was for a set of turnouts (coat and overalls) for the Fire Department. Sheryl Dahl asked if the Fire Department received a uniform allowance. Shirley Ewan stated yes, but turnouts were not included in the items to be purchased through use of the uniform allowance due to their expense.

All in favor, Motion passed.

Public Hearings:

Motion was made by Gregrey, second by Dahl, to approve Ordinance No. 1913 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE 1868, AS CODIFIED BY SECTION 9-150 OF THE LIVINGSTON MUNICIPAL CODE, BY ESTABLISHING A 15 MILE PER HOUR SCHOOL ZONE FOR THE HEAD START SCHOOL ON LEWIS STREET FROM THE ALLEY IN THE 500 BLOCK OF EAST LEWIS EASTERLY TO "F" STREET, AND CLARIFYING EXISTING SCHOOL ZONES.**

No Public Comments were given.

All in favor, Motion passed.

Resolutions:

Motion was made by Dahl, second by Romans, to approve Resolution No. 3279 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF**

**LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH MONTANA HISTORIC PRESERVATION OFFICE FOR PARTIAL FUNDING OF LOCAL HISTORIC PRESERVATION OFFICER.** After much discussion among the City Commission and Staff the Commission took no action on this motion.

Motion was made by Gregrey, second by Romans, to amend to approve Resolution No. 3279 and send a letter to Chere Jiusto, Montana Historical Society, with changes. The letter identified the City's desire to accept State Historic Preservation funding support for the Historic Preservation office with the understanding that the City will review roles, responsibilities and parameters of the Local Historic Preservation Office by October. Steve Golnar gave background information.

4 in favor; Gregrey, Davis, Romans and Blakeman, 1 opposed; Dahl, Motion passed.

Motion was made by Dahl, second by Romans, to approve agreement to be signed with the Montana Historical Society for Resolution No. 3279.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to approve Resolution No. 3281 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE CITY OF BOZEMAN FOR TEMPORARY BUILDING INSPECTION AND ENFORCEMENT SERVICE.** Steve Golnar gave background information. Golnar stated that the City of Livingston has 68 open building permits outstanding and that the City of Livingston is negotiating an Interlocal Agreement with the City of Bozeman which would allow for continued inspection of the open permits and the issuance and inspection of new permit applications while the City does not have a Building Inspector on board. A finalized contract will be provided when the City of Bozeman has decided upon an agreement and hopefully this will be by the next City Commission meeting. Jim Woodhull, City Planner, gave information relating to the cost comparison of the building permits and what we will pay the City of Bozeman for their services and stated that this is comparable. Also Steve Golnar stated that he would have a complete job description with any proposed revisions for the new Building Inspector for the next meeting.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3282 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN RURAL BUSINESS OPPORTUNITY GRANT APPLICATION.** Steve Golnar stated that this was a retroactive action to provide proof that the City of Livingston is duly organized and is in good standing for purposes of applying for this grant.

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to approve Resolution No. 3283 – **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.** Steve stated that this is an annual designation of individuals who can purchase supplies from the State of Montana.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3284 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BRIDGEBAND COMMUNICATIONS, INC. FOR T-1 SERVICES.** Golnar stated that a method for dividing the cost between the City and the County had not yet been determined. The City and County were tentatively in agreement that it should be based upon the number of computers for each entity that are being served by that line. Specific figures have not been determined yet.

No action was taken.

Motion was made by Gregrey, second by Dahl, to withdraw their motion to approve Resolution No. 3284 until more information was available for cost distribution that Steve will provide after the next City/County meeting.

No voting action was necessary.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3285 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RECLASSIFYING THE 1949 ADDITION TO THE EAST SIDE SCHOOL AS PROPERTY WHICH MAY BE SOLD IN FURTHERANCE OF COMMUNITY OR ECONOMIC DEVELOPMENT AND CALLING FOR A PUBLIC HEARING.** A Public Hearing will be scheduled on July 15, 2002 at the City Commission meeting at 7:30 p.m. in the City/County Complex to discuss this issue with the public.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3286 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING RATE OF PAY FOR EMPLOYEES OF THE SWIMMING POOL FOR FISCAL YEAR 2002-2003, EFFECTIVE JULY 1, 2002.** Ken Kastelitz gave background information pertaining to the pay schedule increase from last year and the need for the increases in base pay.

All in favor, Motion passed.

Action Items:

Motion was made by Romans, second by Gregrey, to Authorize City Manager to Review Engineering Bid for 5<sup>th</sup> and Park Street Intersection Work and Consider Revision in Scope of Work to Reduce Costs.

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to consider the sale of property to allow for extension of partial lots 22, 23, 24, 25, 26 and 27 located on Lot C of Subdivision Plat 204 bearing off of Lot B for Everett and Joyce Bailey. Steve Golnar stated that the property in question is provided in the packet on a map.

No action was taken.

Motion was made by Dahl, second by Gregrey, to post-pone the consideration of the sale of property to allow for extension of partial lots 22, 23, 24, 25, 26 and 27 located on Lot C of Subdivision Plat 204 bearing off of Lot B for Everett and Joyce Bailey to see how much that this would cost before the City pursues this.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to Authorize City Manager to Sign Signage Request Letter to Montana Department of Transportation after it was amended to more clearly reflect the Commission's intentions.

All in favor, Motion passed.

No action was taken to consider supplement of MRL Lease No. 242, 299 - Livingston, Montana relating to the Livingston Depot Center Property.

Consideration of a Joint Centrex Telephone Contract with Park County was discussed among the City Commission and Staff and was decided to be brought up at the next City/County meeting, which will be on July 10, 2002 at 4:00 p.m. in the County Commissioners Chambers, and then to take action thereafter.

The City Manager's written comments were reviewed.

- Sheryl Dahl asked that when Steve sends the letter to MRL in response of the Depot Broken Waterline Status to ask for more money.
- Sheryl Dahl asked about the letter to the consultant for the Urban Design Study.
- Sheryl Dahl asked about the 3<sup>rd</sup> Street Dip on Chinook Street fixed whether a Resolution would be written. Steve's response was that this would be a very costly project and is not in the budget and would



require an amendment of scope to the project if the Commission wished to proceed.

- Lenny Gregrey asked about the dates for the Workshops. Steve's response was to have them on alternate Monday's of the City Commission meeting and the Commission concurred.

Commissioner Davis Comments:

- He asked about the progress of the 5<sup>th</sup> and Park Intersection.
- He asked if the 25 mph speed zone could be extended on the Old Highway 10 has been brought up from several people in the community.
- He asked about the Historic District Old Buildings to save these buildings. His concern is that homeowners may loose their homes and that the City should keep this limited.

Commissioner Romans Comments:

- He asked is a temporary bathroom could be placed in Rotary Park.
- He was curious to know about the vendor's requirements that are selling products such as across from County Market. Jim Woodhull stated that they just have to have a license.

Commissioner Dahl had no Comments.

Commissioner Gregrey Comments:

- He stated that in the Bozeman Chronicle on June 30, 2002 that they had an article about restoring a historic building. He stated that in the article it stated that it cost more than what the owner had estimated. He concluded by stating to go slow in further historic restoring buildings and don't make taxpayers pay more.

Chairman, Vicki Blakeman Comments:

- She stated that she had received a couple of comments from the community about the weed control notice on their water bills and that the City should take care of Old East Side School first before relaying such a notice to the public.

Public Comments:

- Pat Graybow of 204 East Callender gave comment regarding Historic Preservation and the Historic District. She stated that she had bought back the Motel that her Grandparents had built in 1908. She is very grateful to save the building. Also she stated that it did not cost as much to restore the building as people had lead her to believe.

Motion was made by Dahl, second by Romans, 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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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
August 5, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, August 5, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Thomas Romans, Lenny Gregrey, Ed Davis, Sr., Sheryl Dahl and Vicki Blakeman.

Staff members present were Bruce Becker, Steve Golnar, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley and Ken Kastelitz.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve July 15, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.

Lenny Gregrey asked about the bill for Bronken's Distributing, Inc. for \$256.65 whether this was a reimbursed item or if the City was paying for this. Ken Kastelitz, Superintendent of Public Services stated that the City pays for this that these were prizes and water for the Bands that played at the Summerfest.

Ed Davis, Sr. asked about the bill for Filmlites Montana, LLP for \$1,278.97. Ken Kastelitz, Superintendent of Public Services stated that this was a rental for a Generator for Summerfest for the Bandshell so that the City would have enough power to run the electricity and Band equipment. Also Ed asked about the bill for the Heritage Inn for \$631.36 for 4 rooms. Darren Raney, Police Chief stated that this was an upcoming seminar in Great Falls for League of Association for Darren, Steve, Clint and Shirley. Also Ed asked about the bill for US Bank Trust for \$73,282.79. Shirley Ewan, Finance Director stated that these were bond payments; one for the sewer main, the water shop and the other repair to the roof. The bond payments are made annually and the interest payments are made twice a year.

All in favor, Motion passed.

Recognition of Captain Dave Fenton was given by Police Chief, Darren Raney for his 20 years of service with the Police Department. A plaque was presented to Dave by Darren with various symbols of police service and memorabilia. Darren stated that 20 years is a long-time to work for one organization and that Dave had sacrificed a tremendous amount of his time for the City of Livingston's Police Department. Darren also stated that he had the pleasure of working with Dave for 13 years. Steve Golnar recognized Dave also for his 20 years of service with the Police Department and appreciated the time that he had dedicated to service to the City of

Livingston Police Department. He recognized Dave's service to the City as a Police Officer as an important role in the community. He voiced appreciation for Dave's time, effort and dedication and to his family for supporting him. Steve also stated that he would like to thank Dave and to wish him all the best in the future. Vicki Blakeman stated that she would like to recognize Dave's wife also for her part in standing behind Dave for all of his years of service with the City of Livingston. Sheryl Dahl also thanked Dave for his years of service with the City of Livingston.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3284 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BRIDGEBAND COMMUNICATIONS, INC. FOR T-1 SERVICES.** Steve Golnar stated this was the third time that the Commission had seen this Resolution and that it had the necessary information. He went on to say that revisions included a break down of costs between the City and County based on the number of computers served in each entity. He recommended that the Commission approve his signing the agreement.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3291 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, 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 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$19,271.00 AND CALLING FOR A PUBLIC HEARING THEREON.** Lenny Gregrey asked where this District was. Steve stated that it was anywhere in the City of Livingston within 300 feet of a street light. He further clarified that this Resolution was for the replacement of the street lights.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3292 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL 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 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$43,000.00 AND CALLING FOR A PUBLIC HEARING THEREON.** Steve stated that this Resolution was to pay for the electricity used by the street lights in District No. 20 of the City of Livingston.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3293 – **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 ASSESS ALL PARCELS OF PROPERTY WITHIN SAID DISTRICT FOR 100 PER CENT OF SAID COSTS FOR FISCAL YEAR 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$336,150.00 AND CALLING FOR A PUBLIC HEARING THEREON.** Steve Golnar stated that this was the same level of assessment as last year.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3294 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING PROFESSIONAL SERVICES AGREEMENT WITH NELSON ENGINEERING FOR THE STORM DRAIN REPLACEMENT PROJECT FROM FRONT STREET TO PARK STREET ON YELLOWSTONE STREET.**

No action was taken.

Motion was made by Gregrey, second by Romans, to amend Resolution No. 3294 to add the dollar amount of the contract in the 3<sup>rd</sup> whereas in the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve amended Resolution No. 3294 to add the dollar amount of the contract in the 3<sup>rd</sup> whereas in the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3295 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CONSTRUCTION CONTRACT BETWEEN HRDC AND MISSOULA SHEET METAL FOR RE-ROOFING OF THE MILES BUILDING AND EXPENDITURE OF CDBG FUNDS.** Mary Martin, Housing Director from HRDC summarized what the bids were. She mentioned that they received 4 competitive proposals and they took the lowest bid.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3296 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CONSTRUCTION CONTRACT BETWEEN HRCD AND INTERMOUNTAIN RESTORATION FOR MASONRY RESTORATION FOR THE MILES BUILDING AND THE EXPENDITURE OF CDBG FUNDS.** Mary Martin from HRDC stated that they only received one bid for this but were

very confident that the company that gave their bid would do the job. Mary gave an update of the progress of this project.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3297 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING PROFESSIONAL SERVICES AGREEMENT WITH NELSON ENGINEERING FOR THE STREET AND CURB AND GUTTER REPAIR IN DENTON SUBDIVISION.** Steve Golnar gave background information. He stated that he is concerned about the roads degrading and noted the desire to conclusively see that the Streets and Utility trenches are responsibly repaired.

No action was taken.

Motion was made by Gregrey, second by Dahl, to amend Resolution No. 3297 to add the dollar amount of the contract to the 3<sup>rd</sup> whereas in the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3297 as amended to add the dollar amount of the contract to the 3<sup>rd</sup> whereas in the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3298 – **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 12<sup>TH</sup>, 2002, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2002-2003 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET AT A SPECIAL MEETING TO BE HELD ON AUGUST 12<sup>TH</sup>, 2002 AND MAKING APPROPRIATIONS.** Steve gave background information and explained the information that was provided in the packet.

No action was taken.

Motion was made by Dahl, second by Romans, to amend Resolution No. 3298 to add the addition of expenditures of \$33,375 for the Library.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3298 to add the addition of expenditures of \$33,375 for the Library.

All in favor, Motion passed.

Steve Golnar stated that there would be a public hearing for the budget on August 12, 2002 at 7:00 p.m.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3300 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING ACTION OF CITY MANAGER SPONSORING MONTANA CULTURAL TRUST GRANT APPLICATION FOR LIVINGSTON DEPOT CENTER.** Steve stated that this is a \$20,000.00 capital improvement grant request over two years. These funds will supplement structural stability and roof replacement funds currently being sought by the Depot. Diana Seider of the Depot Center was present for any questions.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3301 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING ACTION OF CITY MANAGER SPONSORING MONTANA CULTURAL TRUST GRANT APPLICATION FOR THE YELLOWSTONE BALLET COMPANY.** Ed Davis asked if the City has to put up a match for this and Vicki Blakeman stated "no". Steve stated that the City is a pass through organization and that the obligations are described in the Resolution of Federal requirements.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3302 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RATIFYING ACTION OF CITY MANAGER SPONSORING MONTANA CULTURAL TRUST GRANT APPLICATION FOR THE FEDERATION OF FLY FISHERS.**

All in favor, Motion passed.

The City Commission had much discussion on the Old East Side School 1949 Addition request for proposals and reviewed proposed addendum prior to issuance. Sheryl Dahl asked that the DRC (Development Review Committee) review this and make sure that the request for proposals and addendum are accurate and consistent with City and Department policies and expectations. Steve asked for the City Commission's consent to provide this Addendum to those interested. The Commission authorized distribution of the Addendum following input from the DRC.

Eric Schneider who had picked up a bid package of the 1949 Addition of the Old East Side School building spoke about his interest in the building. He commented about the sewer and water and the heat of the main building. He stated that there is really a large portion of the building that is no man's land (the hallways and staircases between the 1902 original School and the 1949 Addition). He also stated that if the City does not sell the building now that the roof needs to be replaced immediately. He asked if the City would

consider selling the whole building. The Main part of the School is absolutely beautiful but needs expensive improvements immediately. He stated that he and his wife would like to propose a bid to the City for the sale of the Main part of the building. He stated also that he and his wife own three Historical National homes. He mentioned that they do have the ability to go into a building and look and see what needs to be done. He also commented that if they were to happen get this building that they would negotiate with the City for their proposal for the rental office spaces and what the City requirements would be for space. He stated in summary that he would like to come back to the City Commission in a couple of weeks with his bid proposal.

The City Commission gave their consent to have the City Manager go ahead and develop a position description for a Communications Coordinator and to advertise and appoint an Interim Coordinator once budget authority is approved.

A review for preliminary materials and scheduling of a Workshop to define City's desired "Sphere of Influence" for growth and development related to County planning and review was discussed among the City Commission, City Manager and City Staff. It was decided by the City Commission to set-up a Workshop on Monday, August 26, 2002 at 7:00 p.m. - 8:30 p.m. to discuss this topic and perform the City Manager's six-month evaluation.

The City Manager's written comments were reviewed.

- Lenny Gregrey asked about the assessment of the 4<sup>th</sup> Ambulance. He stated that he would prefer if the Fire Department would operate with only 3 ambulances.
- Ed Davis, Sr. asked about the letter on page 139 relating to the Signage request that the letter needs to state exit no. 333 instead of exit no. 332 west to east. Also he stated that on the 25 mph speed limit on Highway 10 that he requested and the 3 way stop sign at Main and Park was requested for pedestrian safety. Mr. Golnar informed Mr. Davis that the Department of Transportation was not supportive of a 3 way stop sign on Park Street.
- Sheryl Dahl asked for Steve Golnar's evaluation package. Also asked about the meeting of the status on Yellowstone River Bridge East of Livingston by KPRK and asked if Steve would schedule the meeting. She also asked if the City Commission could help with the Calendar of events. Steve stated that he would appreciate if City Commissioner's could go to the Sister Cities Picnic at Sacajawea Park on August 12, 2002 at 6:00 p.m. Also Steve asked if the City Commission would like to be involved in the Park City, Utah Summer Tour on August 14, 2002 with Diners at various restaurants and he would assign them. Also Sheryl asked from Fire Chief, Jim Mastin if he could have the 4<sup>th</sup> Ambulance report on revenues verses expenditures to the City Commission soon.

Commissioner Davis Comments:



- He stated that the Ambulance is paid for and he is in favor of keeping the 4<sup>th</sup> Ambulance.

Commissioner Romans Comments:

- He stated that they have held a number of Skate Park meetings. It has been determined that the restrooms for the Skate Park will cost around \$5,800.00 installed according to quote coming from Flathead Concrete.

Commissioner Dahl Comments:

- She thanked Ken Kastelitz and all of City Staff for Summerfest.
- Also she thanked Darren Raney and Steve Golnar for writing letters relating to the "In Search of America" 4<sup>th</sup> of July musical celebration.
- She mentioned that the City Commission needs to get going on a Workshop for the Old East Side School and that she felt Eric Schneider proposed a very good idea and that she proposed August 7, 2002 after the City/County meeting at 5:30 p.m. as the Workshop.
- She asked about the movement relating to the Grain Elevator and if other groups were interested to have the City Commission make a decision on this and have a tour.

Commissioner Gregrey Comments:

- He stated that Mr. Phil Wright had contacted him and made comments about the traffic on the Main Streets; Callender, Lewis and Geysler. He explained to Mr. Wright that the Police Department does have radar traps on those streets and that you can't catch everyone all of the time.

Chairman, Vicki Blakeman Comments:

- She also wanted to thank everyone involved in the Summerfest.

Public Comments:

- Bob Ebinger of 128 South Yellowstone Street wanted to thank the City Commission for their consideration of the sale of the Old East Side School based upon comments made by Eric Schneider.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
 Pam Payovich  
 RECORDING SECRETARY

\_\_\_\_\_  
 Vicki Blakeman  
 CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
August 12, 2002  
7:00 p.m.

The Livingston City Commission had a special meeting on Monday, August 12, 2002 at 7:00 p.m. in the Community Room in the City/County Building. Present were Sheryl Dahl, Vicki Blakeman, Ed Davis, Sr. and Lenny Gregrey. Thomas Romans arrived later during the meeting.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Jim Mastin, Clint Tinsley and Ken Kastelitz.

Motion was made by Gregrey, second by Dahl, to table Resolution No. 3298 and re-advertise for a Public Hearing with accurate figures and direct City Attorney to draw a new Resolution for the next meeting with accurate figures – **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 12<sup>TH</sup>, 2002, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2002-2003 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET AT A SPECIAL MEETING TO BE HELD ON AUGUST 12<sup>TH</sup>, 2002, AND MAKING APPROPRIATIONS.**

All in favor, Motion passed.

Bruce Becker, City Attorney stated that the Commission had two choices because the value of a Mill was changed by the Montana Department of Revenue on Friday, August 9, 2002. They could approve this Resolution and take the loss of \$4,500.00 or have him come back with another Resolution of Intent at the next meeting and set the Mill Levy with accurate figures.

Lenny Gregrey made comments that we need to change the figures so that the public and staff and the Commissioners can have the correct figures to evaluate the budget.

Steve Golnar stated that the City is talking about a ½ Mill difference. The value of Mill went down about \$30.00 per Mill. The State law does allow the City to increase our revenues based on property tax by 3% a year. Because of the reduction in the value of a mill we can make it up by increasing number of mills levied. If the City increases their mill levy by ½ a mill then, the City can make up the revenues that they would otherwise lose. He also mentioned that raising the mill levy would require another public hearing.

After much discussion among the Commission and Staff it was decided to bring this back to the next meeting with the accurate figures and have another Resolution advertising the Commission's intent for another public hearing on September 3, 2002.

No action was taken to adopt Angeline salary schedule. This will be included in the new proposed budget.

The Commission had no comments.

There were no public comments.

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

The time was 7:25 p.m.

ATTEST:

APPROVE:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
August 19, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, August 19, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Thomas Romans and Ed Davis, Sr.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley and Ken Kastelitz.

Motion was made by Romans, second by Dahl, to approve the consent items as follows:

- A. Approve August 5, 2002 regular City Commission meeting minutes.
- B. Approve August 12, 2002 special City Commission meeting minutes.
- C. Accept Bills and Claims for FY 2002.
- D. Department Heads monthly reports and other minutes.

Sheryl Dahl stated that she would like to thank the Historic Preservation Officer for the minutes provided in the packet for the Historic Preservation Commission meeting with the department head monthly reports. Also she thanked the Police Department for staffing and taking care of business during the community special events in July while being short handed and with the young officers on staff.

Ed Davis, Sr. asked Darren Raney if he staggered vacations for Police Department Staff would have alleviated the problems centered in July and Mr. Raney stated that he bases vacations on a first come first serve basis and makes sure to have adequate coverage. Also Mr. Davis asked about the <sup>7 personnel</sup> ~~personnel~~ feelings are that no one should be singled out that possibly the whole Internet System could be locked out of the Library for Public use. Steve Golnar stated that he would ask Milla Cummins from the Library about this and report back to the Commission. *Just objective material should be locked out.*

Lenny Gregrey asked about the Historic Preservation Commission meeting minutes under the General Business comments on the Needs Assessment rough draft-East Side School and that Allied Engineering on item 4.0 Limitations of Investigation and that to ask them to change wording to state that it was a destructive investigation vs. non-destructive. Lenny commented that he did not feel that it was the Historic Preservation Commission's duty to get involved with in changing the wording to state that it was a destructive investigation vs. non-destructive. He felt that the Historic Preservation Commission as a whole operates outside of their

confined geographic area. He also mentioned that the Old East Side School is outside of the scope Historic Preservation Commission's confined geographic area as defined by City Code. He feels that this practice has to change. He asked when did the City Commission elect to have the Old East Side School put on the National Historic Register. Bob Ebinger, Chairman of the Historic Preservation Commission of the City of Livingston stated that the reason for wording being changed was to reflect that the building had been physically explored during the structural analysis and that some wall and ceiling covering had been removed, thus the investigation was "destructive". The change was proposed by the State Historic Preservation Officer to more accurately define the scope of work. Mr. Gregrey asked the Recording Secretary to find out which City Commission voted on the structural analysis and at what meeting did the Commission approve the nomination of the Old East Side School to be put on the National Register of Historic Preservation. Nicole McClain stated that it was the previous Commission. Also she stated that the Structural Analysis that Allied Engineering did was not a visual analysis but was actually a detailed analysis, which involved some disassembly of the building.

All in favor of approving the consent items, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3309 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING AND HONORING KEN KASTELITZ FOR SERVING AS AN EMPLOYEE OF THE CITY OF LIVINGSTON FOR 39 YEARS AND 3 MONTHS.** Chairman, Vicki Blakeman read the Resolution and thanked Mr. Kastelitz for his service. Steve Golnar presented Ken with a plaque that summarized what was said in the Resolution and thanked him for his years of service. A 15-minute break was taken to honor Ken and recognize his special part of the City as he served for a long period of time. Sheryl Dahl stated that it has been a pleasure working with Ken Kastelitz and that she has been a City Commissioner for 8-9 years and that he was an inspiration to her and the City of Livingston and that he would really be missed.

All in favor, Motion passed.

The meeting went back in session at 8:10 p.m.

The Chairman decided to amend the Agenda to go through the Resolutions first and then go to the Public Hearing items.

Resolutions:

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3299 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH BRIDGER COMMUNICATIONS FOR INSTALLATION, MAINTENANCE AND REPAIR OF BASE STATION, BACK-UP POWER SYSTEM, RADIOS, REPEATERS, INFRASTRUCTURE AND DICTAPHONE RECORDER.**

Sheryl Dahl asked about the mileage charge of \$.85/mile and was wondering if that was consistent with State rates and other rates that we pay in the City personnel for their travel time and that it seemed really high. She stated that roughly a round trip from Bozeman to Livingston would be \$68.00. Darren Raney, Chief of Police stated that Bridger Communications would have to carry their equipment from Bozeman to Livingston and that there were no local businesses that could provide this service.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3305 - **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 SEPTEMBER 3<sup>RD</sup>, 2002, ON THE PRELIMINARY MUNICIPAL BUDGET FOR FISCAL YEAR 2002-2003 AND OF ITS INTENT TO APPROVE THE FINAL BUDGET AT A MEETING TO BE HELD ON SEPTEMBER 3<sup>RD</sup>, 2002 AND TO MAKE APPROPRIATIONS.** Sheryl Dahl asked that the special meeting be changed to a regular meeting on September 3, 2002 in the body of the Resolution.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3306 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH KEN KASTELITZ TO DIRECT THE PLANNING, COORDINATION AND COMPLETION OF SUMMERFEST 2003.** Steve Golnar suggested that the Co-signer for the City be the City Manager and that Clint Tinsley, Director of Public Works, be the City liaison for the agreement and that the date be August 20, 2002.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3307 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING SUPPLEMENTAL AGREEMENT WITH ENTRANCO INCREASING THE CONTRACT IN THE AMOUNT OF \$950.00 FOR ADDITIONAL WORK IN DEVELOPING A POWERPOINT PRESENTATION OUTLINING THE FINAL REPORT RECOMMENDATIONS AND PROJECT PRIORITIES.** Ed Davis stated that this has gone far enough with a public hearing and wants it to stop. Lenny Gregrey concurred with Mr. Davis and wanted to know why this was an extra expense and stated that the City should not have to pay for a powerpoint presentation. Steve Golnar stated that it was his feeling that Entranco needed to do a powerpoint presentation in order to complete the planning process within the time frame for the contract. He felt it would provide the community with an updated presentation of final report recommendations and project priorities in a summary manner appropriate for public presentation. After determining that this additional presentation was not anticipated in the original consultant

contract, Golnar authorized the additional work to bring the project to completion. Sheryl Dahl stated that the City contracted with Entranco to do the project and asked if she understood Steve correctly that if the City did not agree to this powerpoint presentation that Entranco would not go ahead and do the project. Steve stated that the powerpoint presentation was beyond the scope of work that the City entered into with Entranco and that they would have provided the presentation with no updated powerpoint presentation. Revisions to the report would however continue to be made.

No action was taken.

Motion was made by Dahl, second by Davis, to table Resolution No. 3307 until the next meeting so that Steve Golnar could identify why this was an additional cost beyond the initial scope of work presentation.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3308 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING BUDGET AMENDMENT TO THE CDBG BUDGET AND IMPLEMENTATION SCHEDULE FOR INCREASED COSTS DUE TO HAZARDOUS MATERIAL ABATEMENT AND RELATED ENGINEERING COSTS.** Steve Golnar stated that Mary Martin with HRDC was present to answer any questions about this amendment to the CDBG Budget. Steve stated that there was a change on the Resolution that for architect and engineering costs it should be \$17,900 instead of \$18,000. Mary Martin of HRDC stated that this was a reordering of materials for abatement and related engineering costs to the Miles Building renovation that there were multiple levels of abatement once that the Engineer got into the building.

All in favor, Motion passed.

Action Item:

Motion was made by Dahl, second by Gregrey, to approve the third drawdown for CDBG #00HR-02 (Miles Building Renovation) in the amount of \$100,125.40.

All in favor, Motion passed.

Public Hearings:

Motion was made by Gregrey, second by Dahl, to reject bid for the 1949 Addition of the Old East Side School. Steve Golnar stated that there was additional information pertaining to this in the Addendum provided. Steve stated that the City only received one bid from Eric and Carol Schneider in the amount of \$42,000 and provided appraisal information valuing the building at \$154,000 that was done by Kurt Holm on July 22, 2002. The appraisal cost would be added to the value of the property to determine the

amount of the minimal bid amount. Public comments were given by Eric Schneider stated that when they presented the bid of \$42,000 that he looked at the Economics of the building in total. The estimated cost of fixing up the building for between 12 - 15 office spaces would be \$130,000 if those costs are added to their proposed bid of \$42,000, it brings the cost of the building up to \$172,000. He went on to say that with the improvements that they plan on doing to this building that they could not propose any higher of a bid because they could buy a building for the total amount. Steve Golnar stated that the DRC (Development Review Committee) met on this request as was suggested by the Commission and the DRC agreed that the two most important questions about the consideration of the Old East Side School for sale would be: "what was the land purchased for" and, "what will it be needed for in the future". The Committee felt that the City purchased this land to provide for future expansion of the City and County government offices. The DRC feels that the land is very valuable to the City of Livingston and to Park County because of its proximity to the existing Courthouse and the possibility for future expansion of City and County offices. It was suggested in a letter from the DRC to find out what the citizens of Livingston would want to do with the Old East Side School and the grounds that it sits on and have this as an issue for a public vote.

All in favor of motion to reject the bid, Motion passed.

Motion was made by Dahl, second by Davis, to approve Resolution No. 3311 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, 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 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$19,271.00.** No public comments were received.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3312 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING 100 PER CENT OF THE COSTS FOR MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO LIGHTS IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 FOR FISCAL YEAR 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$43,000.00.** No public comments were received.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3313 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, LEVYING AND ASSESSING ALL PARCELS OF PROPERTY WITHIN STREET MAINTENANCE DISTRICT NO. 1 FOR 100 PER CENT OF COSTS FOR FISCAL YEAR 2002-2003 ESTIMATED TO BE IN THE AMOUNT OF \$336,150.00.** No public comments were received.



All in favor, Motion passed.

Action Items:

After a long discussion among the City Commission, Staff and public about the consideration of request to sell the Old East Side School building from Carol and Eric Schneider, motion was made by Romans, second by Davis, to direct City Attorney, Bruce Becker, to develop a Resolution of Intent to reclassify the property of the Old East Side School for the purpose of selling the entire building. Thomas Romans commented that he would like to see the whole building put up for sale with the City maintaining the property and control of the building of the Old East Side School with a 10' property line from the most Northern and the Western point of building. Sheryl Dahl stated that if the City could maintain the building as a condominium style relationship and retain ownership of part of it. She asked Steve Golnar if he could explain this. Steve Golnar stated that there would be a 5-year private ownership requirement for a private investor to gain tax benefits for building remodeling and reconstruction and the building would have to be on the National Historic Register in order to receive tax credit. He suggested that the ownership of portions of the building could be returned or sold to the City after the 5-year period. Vicki Blakeman asked the Schneider's if they would propose a 99-year lease if the Commission decided to go ahead with their proposal. Carol Schneider stated that they would prefer to own the land under the building so that they could have the ability to take out the black top in front of it and landscape the property. Mrs. Schneider went on to say that if the City decides to maintain this property that Eric and her are happy that they went through with this process and at least they brought this building to the City's attention that the building is deteriorating and needs to have work done to it immediately to be brought back into service. The Schneider's would be willing to give the City first choice in the decision as for storage and/or office space expansion and then down the road also would give the City first right of refusal of the spaces as they would become vacant. Steve Golnar asked about dividing condominium ownership over a period of time if the Schneider's would be willing to do this. Eric Schneider stated that they would have to retain ownership of the building for 5-years in order to get the tax benefits but then would be willing to consider a contract drawn up that would split the building ownership with the City.

All in favor, Motion passed.

A 15-minute break was taken at 9:50 p.m.

The City Commission meeting went back in session at 10:05 p.m.

Motion was made by Dahl, second by Davis, to deny the consideration of the Detention Committee proposal for remodel of Fire Station into a Jail Facility, relocating of the Fire Station to "B" and Clark Street where the Northwest Energy Building, (Old Safeway) is located. Lenny Gregrey stated that the

City should not waste any time on this proposal. He went on to state that it would put the City in a bad position that they would have to move the Fire Station and wait for the remodeling of the "B" and Clark Street where the Northwest Energy Building is located. Bob Ebinger of the Detention Committee stated that the Committee had gotten some bids for a smaller facility, a 32-bed facility and the price came out to be \$4.5 Million which with this cost prohibited of a jail would not be feasible. He also went on to mention that 4 Counties need a jail facility and maybe all 4 could go together and develop a plan for a Regional facility. Ed Davis, Sr. went on to state that the City has a commitment to the community not to expand the jail facility in a residential area. Sheryl Dahl mentioned that the best plan for the jail facility would be combining it with Bozeman and the City Commission should look at this again. Lenny Gregrey concluded by stating that this should not be a City problem and to let the County look into possibly relocating to the "B" and Clark Street facility.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to authorize staff to proceed with requests for bids for automated Garbage System trucks and containers for a full automation option. Jim Tracy of 318 North 6<sup>th</sup> Street commented that he was against this fully automation Garbage Collection. Mr. Tracy stated that the alleys would be full of trash due to the overflow after the truck had picked the trash and then the neighbors would have to pick up the trash remaining. Lenny Gregrey asked what kind of a container Mr. Tracy had experience with and Mr. Tracy stated that it was a big black round trashcan. Mr. Tracy went on to say that he felt that the City had a good garbage collection system now and would like to have it stay that way. Clint Tinsley stated that the City has had problem with the garbage collection for quite a while. Mr. Tinsley stated that the garbage collection is "maxed-out" with having the garbage crews haul 12 tons of garbage a day, thrown by hand with two guys and that it is not safe to continue this method of operations in the City especially with the injuries being experienced. Clint stated that the City growth is causing increasing demands for garbage and the fully automated garbage collection in the City would eliminate hiring three additional guys and buying another garbage truck. Clint summarized that automated garbage collection makes sense to eliminate the amount of injuries to the City crews and that it would reduce the cost of solid waste. Vicki Blakeman asked Mr. Tinsley if he felt that the commercial rates for solid waste would lower. Clint stated that the automation would cause a reduction in employees for solid waste but then the City could move employees into other areas of the City and that no employee would be laid off. Sheryl Dahl asked about the blow over of the trash in the alleys would there be a plan to eventually pick up the overflow. Clint replied that automation would in time keep the alleys cleaner then they are now that there would be Spring clean up still. Thomas Romans stated that he felt this would be the best route to go for the fact of no employees getting laid off. Lenny Gregrey stated that at first he was a little skeptical but has determined that this is the best solution

for the employees to be relocated within the City and that after investigating the automation of garbage and seeing the demonstration of this automated garbage truck he is completely for this direction for the City.

4 in favor; Blakeman, Dahl, Gregrey and Romans, 1 opposed; Davis, Motion passed.

Motion was made by Gregrey, second by Romans, to approve staff changes of the Ordinance for the City of Livingston Source Water Protection to read – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1905 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON AQUIFER (IN STEAD OF SOURCE WATER) PROTECTION PLAN BY PERMITTING PRIVATE IRRIGATION WELLS TO BE DRILLED IN THE AQUIFER PROTECTION AREA.**

3 in favor; Romans, Davis and Gregrey, 2 opposed; Dahl and Blakeman, Motion passed.

Discussion among the City Commission and Staff about the community response to Federation of Fly Fishers Confab the City Commission directed the City Manager to coordinate with other entities in the community to write a letter thanking the Federation of Fly Fishers for 2002 for their presence in our community through their interpretive center and also to indicate community support for continuing to host the Confab in future years beginning as early as 2004 in the City of Livingston. Also direction of the City Commission to the City Manager was asked to have their signature lines on the letter also.

The City Manager's written comments were reviewed from the Addendum provided with the packet.

- The date for the Grain Elevator Tour was decided by the City Commission to be held September 10, 2002 at 6:00 p.m.

Commissioner Davis had no comments.

Commissioner Romans Comments:

- Requested that he needs immediate approval to get restrooms down at Miles Park advertised that he is pressed for time to finalize the budget. The City Commission concurred for the approval of this to go ahead and proceed.
- Thanks for the Park City Summer tour.

Commissioner Dahl Comments:

- Thanks to Steve and everyone who organized the Park City Summer tour it was very interesting and thanks to Jim Mastin, Fire Chief for joining her for dinner.
- She commented about the Street Sweeper having to move in and out of cars along the sidewalks. She suggested that signs be put up on

the days that the Street Sweeper is sweeping in designated areas on certain days. She stated that this would work.

Commissioner Gregrey Comments:

- Need to follow-up on complaints that the beaver's are cutting down trees near Sacajawea Park.
- He stated that he would like a list of the acronyms for the various government agencies and programs and the definition for each acronym.
- He suggested that the City Commission have a discussion with the Historic Preservation Officer regarding the Historic District and how it works and what the boundary areas are.

Chairman, Vicki Blakeman Comments:

- Mentioned that she had a concern from a community person about the increase of the water pressure on the new mains. Clint stated that the water pressure should not go up and to have this individual contact him.
- Follow-up with Park City Summer tour with a letter thanking them for coming to Livingston.

Public Comments:

- Bob Ebinger of 128 South Yellowstone Street stated that the Park City people were very much impressed by all the trees that the City of Livingston has in town.

The City Attorney's semi-annual evaluation was summarized and was decided to be rescheduled for the next meeting so that forms could be provided by the City Manager.

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

The time was 11:02 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
September 3, 2002  
(Tuesday)  
7:30 p.m.

The Livingston City Commission met in regular session on Tuesday, September 3, 2002, at 7:30 p.m. in the Community Room in the City/County Building due to the Labor Day Holiday on Monday, September 2, 2002. City Commissioners present were Lenny Gregrey, Sheryl Dahl, Ed Davis, Sr., Vicki Blakeman and Thomas Romans.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley, Brad Haefs and Pam Payovich.

Motion was made by Dahl, second by Gregrey, to approve the consent items as amended as follows:

- A. Approve August 19, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.
- C. Approve City Manager's Nomination of Steve McCann to fill 3-year vacancy on the Police Commission until May 2004.
- D. Approve Police Vehicle bid for \$21,145.50 from Yellowstone Country Motors.

Ed Davis clarified his statements on the August 19, 2002 minutes in his comments about the Child Internet Protection Act and wanted the minutes to be changed to state "No one should be singled out. That possibly objectional material in the whole Internet System could be locked out of the Library internet system which is available for public use". Also Mr. Davis asked about the claim for payment to the Alliance Development Corporation which amounted to 12% of last year's interest amount at \$3,171.62. Steve Golnar stated that this was interest from the City's Revolving Loan Fund for the Community Development Block Grant Funds initially awarded for Livingston Rebuild Center improvements in 1995. Mr. Davis asked about the memo for the Patrol Vehicle bid and wanted to clarify the year of the vehicle being purchased. The memo stated 1993. Darren Raney, Police Chief clarified that this was a typographical error and that it should be 2003.

Sheryl Dahl asked about the bill from the Building Codes Bureau for \$196.85. Jim Woodhull stated that this is a mandatory internal education fund that the State requires for training inspecting about building codes. Sheryl asked about the bill from Steve Golnar for lunches with Bruce Becker in the amount of \$24.35. Steve stated that this was for three lunches with Bruce before City Commission meetings to discuss issues to be put on the agenda and

what legal documents were needed from Bruce. Ms. Dahl asked about the bill from RDJ Specialties, Inc. in the amount of \$250.00. Jim Mastin, Fire Chief stated that these are pencils purchased for the Fire Prevention Week to distribute to the Schools for promotional services. Sheryl asked about the bill from Western Plains for a rental of a Sheep Foot Roller in the amount of \$3,350.00. Clint Tinsley, Public Works Director, stated that the City rents the roller for compaction for utility line replacement projects. He felt that it was not feasible to buy one of these machines as they cost about \$85,000.00 and the City only uses this machine about three times a year.

Sheryl asked relating to the application for appointed office for the Police Commission if Steve McCann was the only applicant. Steve Golnar stated that Steve McCann was an incumbent Police Commissioner who was doing a good job and Mr. McCann wanted to continue his membership so the City Manager nominated him to continue his service.

Vicki Blakeman asked about the bill for Parisi's Western Plumbing, Inc. in the amount of \$525.00 to install meter at Sleeping Giant if it was an expenditure item that normally would be bid out or is it purchased in-house. Clint Tinsley stated that the City decided to change out the type of meter and this is done at City's expense.

All in favor of approving the consent items as amended, Motion passed.

Chairman, Vicki Blakeman, read a Proclamation for FTD Good Neighbor Day on September 4, 2002.

Motion was made by Gregrey, second by Dahl, to table Ordinance No. 1917 indefinitely - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1905 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER AQUIFER PROTECTION PLAN BY PERMITTING PRIVATE IRRIGATION WELLS TO BE DRILLED IN THE AQUIFER PROTECTION AREA.** Lenny Gregrey stated that the Ordinance had a lot of changes in it that were not pertaining to permitting of private irrigation water wells in the Aquifer. Also Mr. Gregrey asked the City Attorney if it was necessary to change the Ordinance number if changes were made to the original Ordinance. Mr. Becker stated yes that if any changes were made that the Ordinance number would have to be changed. Mr. Gregrey asked the City Manager why was it necessary to change the title of the Ordinance. Mr. Golnar stated that in the previous Ordinance there was two areas; the Source Water Protection area and the Aquifer Protection area and that one was larger than the other. Since the City Commission wanted to eliminate the smaller zone where the City would not allow drilling of water wells, basically treating all areas within the City except for zones of influence around Public water wells the same, the City only needed one zone. Mr. Golnar commented that the City Attorney suggested the City to use the term

"Aquifer Protection area" to describe that area. After much discussion among the City Commission and Staff it was confirmed that this Ordinance would be tabled indefinitely.

All in favor, Motion passed.

Public Hearing:

Motion was made by Dahl, second by Romans, to approve Resolution No. 3310 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING THE FINAL BUDGET FOR THE CITY OF LIVINGSTON FOR FISCAL YEAR 2002-2003, ESTABLISHING THE TAX LEVY, AUTHORIZING APPROPRIATIONS AND AUTHORIZING CITY MANAGER TO AMEND BUDGET.** No public comments were given. Lenny Gregrey commented about all of the Workshops that the City Commission has attended this year. He stated that from March 27 through August 26, 2002 the City Commission has had 15 workshops above and beyond regular meetings and that was a lot of time to take from the City Commission. He went on to say that the City Commission should be compensated for more than one workshop a month and that the City Commission should be paid \$20.00 a month for extra Workshops. He also suggested that paying City Commissioners for workshop attendance would probably reduce the number of workshops scheduled. Sheryl Dahl stated that new Commissioners are required to go through at least 5 Workshops for their orientation and that workshops are part of the job and they are a necessity for being a City Commissioner. After much discussion with the City Commission and Staff it was determined that this could possibly be brought up before next fiscal year's budget went into effect but would not be implemented this fiscal year.

All in favor, Motion passed.

Resolutions:

Motion was made by Dahl, second by Romans, to approve Resolution No. 3304 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH FINANCE OFFICER FOR FISCAL YEAR 2002-2003.**

All in favor, Motion passed.

There was no action taken on Resolution No. 3307 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING SUPPLEMENTAL AGREEMENT WITH ENTRANCO INCREASING THE CONTRACT IN THE AMOUNT OF \$950.00 FOR ADDITIONAL WORK IN DEVELOPING A POWERPOINT PRESENTATION OUTLINING THE FINAL REPORT RECOMMENDATIONS AND PROJECT PRIORITIES.** Steve Golnar stated that he recommended no action. The City Commission did not need to act upon this item because with the passage of the FY 2002-2003

budget, the City Manager had sufficient authority to contract for these services.

Motion was made by Gregrey, second by Davis, to approve Resolution No. 3314 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO RECLASSIFY THE EAST SIDE SCHOOL AS PROPERTY WHICH MAY BE SOLD AND OF ITS INTENT TO SELL SAID PROPERTY UNDER CERTAIN TERMS AND CONDITIONS.** Steve Golnar reminded the City Commission that there would be a Workshop on this proposal on Wednesday, September 4, 2002 at 7:00 p.m. in the Community Room of the City/County Complex to determine specifics that the City Commission wants to pursue relating to the possible sale of the 1902 Old East Side School.

4 in favor; Davis, Blakeman, Romans and Gregrey, 1 opposed; Dahl, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3315 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING CONTRACT WITH THE CITY MANAGER AND AUTHORIZING CHAIRMAN TO SIGN CONTRACT.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3316 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN COOPERATIVE AGREEMENT FOR THE UPPER YELLOWSTONE RIVER CORRIDOR MANAGEMENT PLANNING PROCESS.**

All in favor, Motion passed.

Motion was made by Davis, second by Gregrey, to approve Resolution No. 3317 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN MEMORANDUM OF UNDERSTANDING WITH THE U.S. DEPARTMENT OF ENERGY FOR ITS CLEAN CITIES PROGRAM.** Steve Golnar stated that there was no expense associated with this program. Sheryl Dahl asked about the time requirements. Steve stated that the City does not have specific requirements. Sheryl asked if the use of alternative fuels is where the City wants to go into in the future. Thomas Romans stated that he felt that the City would end up paying out more money than what it would receive in return through this program and the use of clean vehicles and fuel. He also stated that the City of Livingston doesn't have an omission's problem due to the wind velocity in the area. Vicki Blakeman stated that trucks can run on bio-diesel fuel without being retrofitted and that the U.S. Department of Energy is working on bringing the cost of bio-diesel down to a comparable price with fossil fuels. She commented that this would help farmers and others that own diesel equipment and vehicles.



1 in favor; Blakeman, 4 opposed; Romans, Gregrey, Davis and Dahl, Motion failed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3318 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING JOB DESCRIPTION FOR THE NEWLY CREATED POSITION OF PUBLIC WORKS DIRECTOR FOR THE CITY OF LIVINGSTON, MONTANA.** Sheryl Dahl asked if this position had to be advertised. Steve stated that the position was created through a reorganization and the revised position description was filled by the previous Superintendent of Public Utilities whose position will not be filled. The position was assigned by the City Manager and the opening will not be advertised.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3319 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING JOB DESCRIPTION FOR PARKS AND RECREATION FOREMAN OF THE CITY OF LIVINGSTON, MONTANA.** Sheryl Dahl asked if this position would hire, fire and evaluate. Steve Golnar stated that this position would do evaluations and would make recommendations on hiring, firing and discipline or promotion to its foreman (the Public Works Director) who would then take action or recommend hiring or firing to the City Manager.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3320 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING AND ADOPTING NEW JOB DESCRIPTION FOR POSITION OF RECREATION COORDINATOR FO THE CITY OF LIVINGSTON, MONTANA.** Thomas Romans asked about the reason for the change in this position description was this move to reorganize the department due to Lisa Swoboda's resignation as Recreation Director. Sheryl Dahl asked if this position is under the Parks and Recreation Foreman. Steve Golnar stated that this position description was revised and will report to the Parks and Recreation Foreman due to the resignation of the former Recreation Director and the reorganization of the Recreation Department. Sheryl Dahl suggested that the Recreational Department have a mail and correspondence box at the City Office.

All in favor, Motion passed.

Action Items:

An Ordinance No. 1915 was reviewed by the City Commission for revising Chapter 4, "Animals", of the Livingston Municipal Code by providing for registration of vicious animals, by requiring that vicious animals be controlled

at all times and generally revising the animal control Ordinance. Sheryl Dahl asked if Brad Haefs could review this with the Commission since he was present. Sheryl Dahl asked Brad if this Ordinance would be enforceable. Brad stated predominately yes that he had some concerns and that he would like to work on some changes to the wording. Sheryl Dahl asked that once an animal has been determined "vicious", at that point could there be a sign provided by the City that would be consistent for all vicious animals so as to provide notice to the community. Brad stated that this could be developed and that the Commission would have to consider what the fee would be when a vicious animal is registered. Providing the sign along with this registration could be included in the fee established. Bruce Becker stated that these fees need to be taken into account when the Commission establishes this Ordinance. It was decided among the City Commission and Staff to have City Attorney bring this back to the City Commission with revisions after Staff review.

Motion was made by Dahl, second by Davis, to authorize City Manager to close-out Restricted Cash Account of \$2,056.21 due to receipt of insufficient donations to cover City Matching Fund Requirement for Bike Path development from 5<sup>th</sup> Street to Rogers Lane.

All in favor, Motion passed.

Motion was made by Dahl, second by Davis, to authorize support for Main Street Basic Training Seminar in the amount of \$330.00 to the Downtown Livingston Association Coordinating Committee. Steve Golnar gave background information and stated that this would come from funds available that the City could use toward this Main Street Basic training session. Sheryl Dahl stated that she felt that a portion of the amount of \$660.00 could be funded and requested that only \$330.00 be authorized for the City's support. Lenny Gregrey asked exactly where this might come from if in fact it would come from the Historic Preservation. Mr. Golnar confirmed that the funds would come from the Planning Department budget, which also accounts for Historic Preservation expenditures.

4 in favor; Gregrey, Davis, Dahl and Blakeman, 1 opposed; Romans, Motion passed.

An addendum was provided along with the packet for the City Commission's review.

Motion was made by Dahl, second by Gregrey, to reject all bids for "Vintage Street Lights" for the City of Livingston.

All in favor, Motion passed.

The City Manager's written comments were reviewed, which was provided separately from packet.

- Sheryl Dahl asked if the Grain Elevator Tour and the Trout Unlimited Tour could be coordinated together on September 10, 2002 starting at 6:00 p.m. Steve Golnar stated that he would contact the Trout Unlimited people and reply back to the Commission.
- Lenny Gregrey asked about the letter provided along with the City Manager's comments about beaver's being a problem in the area. He stated that he had commented on this subject last meeting from another concerned citizen and that he didn't get an answer and that he would like to have an answer. Steve stated that the City has a problem of beaver's residing in the culverts on "B" Street and the people in the Public Works Department are working on this issue and are seeking to resolve this problem.

Commissioner Davis had no comments.

Commissioner Romans had no comments.

Commissioner Dahl Comments:

- Stated that she would like to recognize some outstanding employees that are leaving the City; Lisa Swoboda and Nicole McClain and wanted to thank them for their outstanding work and wish them good luck in their futures.
- She also mentioned the letter to Fire Chief, Jim Mastin about Doug Lobaugh and the Livingston Fire Department from Richard and Lorraine Hernandez of Crystal River, Florida relating to the Fire Department's response to the helicopter accident on August 31, 2001 in Emigrant, Montana, which took the life of their son. Sheryl stated that Doug went above and beyond his call of duty and would like to recognize him for his accomplishments. She commented that "this is a reflection on our City" and thanked Doug.
- She asked about the thank you letters to Park City Summer Tour 2002 participants. Steve stated that he had e-mailed them and would be writing letters soon.
- She also asked about the Building Official Job Description if this is being completed and how soon will we have one. Steve stated that he hopes to have a position description finalized by the next City Commission meeting so that it can be adopted and then the City can initiate advertising.
- Sheryl asked about the street sweeping signs. If there had been anything finalized. Steve stated that he would get back to the Commission on this as soon as possible.

Commissioner Gregrey Comments:

- He stated that he had been approached by Delores VanHouten regarding the Good Sands Group that is coming to the Fair Grounds on September 19, 2002 and she asked him if he would represent the City and give them a Welcome to the City of Livingston. Mr. Gregrey said that he would do this on behalf of the City for this group.

- He commented on Ordinance No. 1905 – He proposed to have the City Attorney eliminate Item No. 8 from Section 33-07 which was the prohibition against private water wells and that the City allow private water wells for irrigation purposes in addition to his previously suggested additions, revise the Ordinance and move forward.

Chairman, Vicki Blakeman Comments:

- She wanted to thank the Fire Chief, Jim Mastin for his plans on September 11, 2002 for the observance of the September 11, 2001 attacks on the U.S. and would like to see everyone attend this occasion.

No public comments were given.

The City Attorney's semi-annual evaluation was summarized. It was the City Commission's consent that the City Attorney is doing his job and that they want him to continue in the capacity of City Attorney.

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

The time was 9:45 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
September 16, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, September 16, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey and Ed Davis, Sr. Thomas Romans arrived 5 minutes later.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Jim Mastin, Jim Woodhull, Clint Tinsley and Pam Payovich.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve September 3, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.
- C. Department Heads Monthly Reports and Other Minutes.

Ed Davis asked about the claim for DLM Contracting, Inc. for the Sewer replacement from 8<sup>th</sup> to 13<sup>th</sup> Street on Geyser Street for \$28,845.03 if this was an installment. Steve Golnar stated that this was the 3<sup>rd</sup> draw for the project. Mr. Davis also asked about the claim for Guy's Glass for the sweeper claim of \$440.00. Shirley Ewan stated that this was a claim for a broken window in a building by the sweeper. Mr. Davis asked about the claim for the Emotional Survival Seminar for \$50.00. Darren Raney stated that this a seminar put on for emergency services for stressful situations and critical incidents for new officers. Mr. Davis also asked about the Livingston Fire/Ambulance Accounts Receivable Financial Report and questioned the "refusal of services", wondering why every call for an ambulance was not charged out. Jim Mastin, Fire Chief, stated that the practice is that if they don't transport they don't charge.

All in favor of consent items, Motion passed.

Steve Koontz of 1007 Eagle Court made public comments about the house on 112 Highground Avenue being built. This house has been under construction since 1995. He stated that the subdivision where he lives has turned into a Solid Waste location. Future sales will be stopped due to unsightliness and incomplete status of the Stanley building. He felt the situation has gone beyond reason that the City should bring the project to a close and define the word "finish". Lenny Gregrey asked if there was any remedy to prevent this from happening in the future. Steve Golnar stated that the remedy in process is that the City's insurance carrier, the Montana Municipal Insurance Authority (MMIA) has agreed to pay the claim to move the house. Steve

Koontz stated that the owners lack capability to complete construction of the house, even if it is moved. Steve Golnar stated that the City needs to work on ensuring that the construction will be completed in a timely manner. Bruce Becker stated that a cease and desist order was filed in February because of numerous building code violations. Bruce also stated that the boundary line dispute put the cease and desist order on hold. Lenny Gregrey stated that in the future the City should put a time frame stipulation on building permits. It was decided among the City Commission to proceed with moving the house so that this project can get completed and asked Bruce Becker, City Attorney to report back to the City Commission on the legal leverage the City has to require completion of this house in a timely manner at the next meeting.

Motion was made by Gregrey, second by Romans, to approve the first reading of Ordinance No. 1918 from the Addendum provided as written. - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1905 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE-WATER PROTECTION PLAN BY PERMITTING PRIVATE IRRIGATION WELLS TO BE DRILLED IN THE AQUIFER PROTECTION AREA AND PROVIDING A CIVIL PENALTY FOR ANY VIOLATION.** Ed Davis asked what difference it makes about fertilizer and pesticides being dumped into the soil and then ground water. He stated that whether the irrigation water comes from City water or private well water the same situation of fertilizer seeping into the Aquifer would prevail. Clint Tinsley, Public Works Director stated that the letter he wrote in the packet was a statement given to him from Mr. Meek from the Montana Source Water Protection Program concerning the City Ordinance on the City's wellhead protection area. Mr. Meek stated to Clint that there is a greater risk of contamination from irrigation wells than there is from a well drilled to a house for potable use. Clint stated that there is a risk and there is a chance of ground water contamination from the private irrigation well and by the time the City would find out about the contamination, it would be a big project for the City to clean up the contamination. Clint asked that the City Commission seriously consider this before they pass this Ordinance. Clint stated that it would raise the cost of Utilities in the City if the Aquifer was ruined from contaminated water. In summary he asked, "Why take this risk". Lenny Gregrey commented that when Mr. Meek was here last year during a Workshop that Mr. Meek responded to a question about irrigation wells. Mr. Meek stated that the only time a private well would contaminate ground water that he has experienced, was when at a farm/ranch that had a large sprinkler system where the applicator was filling a tank with water, hooked up to a pivot arm, overflowed the tank. Lenny Gregrey went on to say that nowhere in the Source Water Protection area does the City have a pivot irrigation system where they are going to use a system of that type. Mr. Gregrey went on to say that the sprinkler systems that the City is talking about in this Ordinance are the systems to irrigate lawns of homeowners and in summary stated that people have the right to get to the water under their property if it is not a

hazard. It was stated by a few City Commissioners that a backflow prevention device should be a part of any lawn irrigation system especially those with a well and that people that want to develop a private irrigation well will be required to follow the specifications adopted. Bruce Becker suggested that in Ordinance No. 1918 under section 33.07.5 that the statement be added: "However, it is illegal for any such irrigation well to be connected to the municipal water system. Each well permitted under this Ordinance will have a backflow prevention device installed".

*device*  
Sheryl Dahl commented that she agreed with Clint Tinsley as he has been the "water man" for several years for the City and she trusts his opinion. Sheryl stated that she would like to see the City not take this risk in order not to contaminate the water in the community and as a Commissioner it is her duty to protect the community.

Sheryl Dahl made motion to call for question, as this takes precedence over any more discussion. *Requires a second and a 2/3 vote.*

3 in favor; Romans, Gregrey and Davis, 2 opposed; Dahl and Blakeman, of the first reading of Ordinance No. 1918 as amended, Motion passed on first reading.

Action Item:

It was requested by the City Manager that the City Commission re-arrange the agenda to go to action item no. 8, C - Approve fourth draw for CDBG #00HR-02 (Miles Building Renovation) in the amount of \$56,470.11.

Motion was made by Dahl, second by Gregrey, to approve fourth draw for CDBG #00HR-02 (Miles Building Renovation) in the amount of \$56,470.11. Mary Martin with HRDC, Project Manager for Miles Building Renovation was present for any questions to be answered. Vicki Blakeman asked how many more draws would there be for this renovation. Mary Martin stated that there would be another draw containing some of the remaining items from the relocation of tenants. She stated that the tenants had been moved back into the building last Tuesday and they were pleased with their new dwelling. Ms. Martin went on to say that there would probably be 2 or 3 more draws accompanying the renovation and then it should be done.

All in favor, Motion passed.

Public Hearing:

Motion was made by Romans, second by Davis, to approve Resolution No. 3310 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECLASSIFYING THE 1902 EAST SIDE SCHOOL AS PROPERTY WHICH MAY BE SOLD AND AUTHORIZING A REQUEST FOR**

**PROPOSALS FOR THE SALE THEREOF UNDER CERTAIN TERMS AND CONDITIONS.** No public comments were given.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to authorize City Manager to advertise the 1902 East Side School and designated property for sale to the highest bidder or to the bidder whose proposal is determined to be in furtherance of economic or community development. Steve Golnar gave information relating to this bid and the specifications for proposals. The advertisement will be published three times and bids will be due on October 18, 2002 at 2:00 p.m. On October 21, 2002 at the City Commission meeting a decision will be made based upon bids received.

All in favor, Motion passed.

Resolutions:

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3321 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR PRELIMINARY ENGINEERING STUDY OF THE LIVINGSTON DITCH.**

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3322 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ACCESS DATA (MAGIC) INC. FOR ANNUAL SUPPORT SERVICES FOR SLEUTH SOFTWARE.** Vicki Blakeman asked if this was the same agreement as last year. Darren Raney replied yes that it was.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3324 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED INTERLOCAL AGREEMENT WITH PARK COUNTY MONTANA FOR THE DEVELOPMENT OF A GEOGRAPHIC INFORMATION SYSTEM.** Steve Golnar stated that this changes the membership to two from the City and two from the County and the Extension Agent. Lenny Gregrey asked about the City's representatives if these were floating positions. Steve Golnar stated that the City Planner is the core City representative who oversees the GIS Coordinator and that the City Manager would participate on the GIS Oversight Committee for now until the Communications Coordinator position is filled.



All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3325 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AGREEMENT WITH ROCKIN MICRO FOR COMPUTER MAINTENANCE FOR THE LAW ENFORCEMENT/DISPATCH COMPUTER NETWORK.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3326 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR COMMUNICATIONS SERVICES COORDINATOR.**

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to approve Resolution No. 3327 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN COMMUNICATIONS SERVICE AGREEMENT WITH PARK COUNTY.** Steve Golnar stated that the Communications Advisory Committee has recommended that this agreement be adopted and signed by both City and County Commissions.

All in favor, Motion passed.

Action Items:

Motion was made by Dahl, second by Gregrey, to agree to the County's withdraw from the City/County Planning Board contingent upon having a signed Intergovernmental Agreement, similar to the Bozeman/Gallatin County proposed agreement, and with the understanding that existing zoning designations apply within the growth ring area surrounding the City until new City and County growth policies are adopted.

All in favor, Motion passed.

The City Manager recommended that more time was needed for Staff and the City Attorney to finalize a recommendation regarding City Membership on the Refuse District Board and if this was in fact possible, given the fact that different services would be provided City verses County residents.

Motion was made by Dahl, second by Romans, to authorize implementation of 1997 Uniform Building Code Fees and plan check fees at 65% of Building Inspection fees. Steve Golnar stated that in the packet there is a letter from Clint Tinsley, Public Works Director recommending that these fees which were adopted with the 1997 Uniform Building Code be implemented and

identifying a need for more work to be done in defining duties and responsibilities before a Building Inspector position description is finalized.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- A Workshop was scheduled for October 24, 2002 at 7:00 p.m. for review and discussion of the Historic Preservation Office roles and responsibilities and scope of authority in order to clarify these/or the State and City Commission.
- The Workshop for review of draft Ordinance on Amplified Sound was rescheduled for September 30, 2002 at 7:00 p.m. instead of September 23, 2002 at 7:00 p.m.

Commissioner Davis Comments:

- Commented on the letter from the Montana Tavern Association, he stated his feelings were that we got that convention because of Helena's overly restrictive rules on no-smoking areas.
- He also mentioned the matter of the Loftice property on South "B" Street that was given to the Fire Department or the City for Fire practice. Somebody happen to overlook the fact that there was still a mortgage due on it. He feels that the creditor is being greedy. He also stated that he feels that if there is a loss of property the creditor gets whatever the balance is due on a note and that the creditor thinks that we owe more than what was owed on the note which he feels is unfair. Bruce Becker stated that this is still in litigation and is not settled. Mr. Davis asked if a note loan obligation is satisfied, can somebody actually sue for a higher value? Bruce Becker replied by stating "no".

Commissioner Romans Comments:

- He informed the City Commission and Staff that he was withdrawing from the race for election to City Commission for 2003-2004. He stated that he would continue to stay on the Skateboard Park Committee next year for the City.

Commissioner Dahl Comments:

- She thanked the Waste Water Treatment Plant about their performances and receiving a letter from the State about this.
- She also thanked Staff for working on the Street Sweeper issues.
- She asked Steve Golnar if he had come up with a list of projects so that the City could submit to community organizations that the City wants done? Steve Golnar stated that he would generate the list.
- She asked about the dissolution of the City/County Planning Board what is the plan for the City on establishing its own planning Board? Steve Golnar stated that if the Commission decides to dissolve the City/County Planning Board then the City needs to form a City Planning Board so that the City's Growth Management Plan can be

developed. The City would need to advertise immediately for this after the decision is made.

Commissioner Gregrey Comments:

- He mentioned that at the Grain Elevator Tour there was a conversation about the City crews finding an undersized line for a distance of about 20' that was different from the diameter of pipe specified by the Engineering Company from the project that was completed in the 1970's. He stated that he would like to see the City inspect these projects and have a signed affidavit with all projects stating that all specifications were followed exactly. He asked does the statute of limitations begin at the time you discover that there is a problem or does it begin when you should have discovered it. Bruce Becker stated that the day you discover the problem or should have discovered the problem using reasonable care is when the statute of limitations clock begins to run. Lenny commented that the City needs to make sure that all projects are inspected. Clint confirmed that the City is doing that with all recent infrastructure projects.

Chairman, Vicki Blakeman Comments:

- She mentioned that she had heard from a member of the public about the Baseball Association and that they are very pleased that they are getting proper recognition from the Parks and Public Works Departments.
- She also thanked Clint for getting on the Rotary dock repair issue.

Public Comments:

- Bob Ebinger of 128 South Yellowstone Street thanked Clint Tinsley. He had a serious problem about a storm sewer and gutter being backed up and that Clint took care of it within 24 hours.

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

The time was 9:55 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
October 7, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, October 7, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Thomas Romans and Ed Davis, Sr.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Jim Mastin, Clint Tinsley and Pam Payovich. Absent was Jim Woodhull.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve September 16, 2002 regular City Commission meeting minutes as amended.
- B. Accept Bills and Claims for FY 2002.
- C. Approve Fifth Draw for CDBG #00HR-02 (Miles Building Renovation) in the amount of \$122,929.50.

Ed Davis stated that there was a typo error on page 3 of the minutes that needed to be changed from devise to device. Also Mr. Davis asked about the bill of \$22,765.64 to the A-Core of Idaho and what territory this bill covers. Clint Tinsley replied that A-Core provided concrete saw cutting services and that this contract covered all of 3<sup>rd</sup> Street between Park Street to Callender Street, all of Yellowstone Street between Park Street to Callender Street, all of 5<sup>th</sup> Street between Park Street to Callender Street and Park Street from 3<sup>rd</sup> to 6<sup>th</sup> Street and that this approximately totaled seven (7) blocks. Mr. Davis asked about the DARE Training claims held in Los Angeles, California if California was the only choice for this Training. Darren Raney, Police Chief stated that this was for the DARE Officer Training and that the Training was only offered in Los Angeles, California and Atlanta, Georgia at the time they needed it.

Lenny Gregrey stated that on the minutes on page 2 seven lines up from the bottom that the word water should be chemicals so that it would read "Mr. Meek stated that the only time a private well would contaminate ground water that he has experienced, was when at a farm/ranch that had a large sprinkler system where the applicator was filling a tank with chemicals, hooked up to a pivot arm, overflowed the tank. Also Mr. Gregrey commented on parliamentary procedures referring to the passage on page 3 of the minutes stating that "Sheryl Dahl making the motion to call for question, as this takes precedence over any more discussion". He specified that the explanation by the City Attorney (the City Commission's Parliamentarian) was in error. This type of motion requires a second and

then a 2/3's vote by the Commission to carry. The Parliamentarian did not specify a second was required and a 2/3's vote was required to carry Ms. Dahl's motion to stop the debate. He summarized by stating that he looked at this as a learning experience.

Mary Martin, Project Manager of HRDC for the Miles Building Renovation gave background information on the 5<sup>th</sup> draw for the CDBG #00HR-02 (Miles Building Renovation) project. She stated that this amount represented the costs of the tenants being relocated back into their units and the renovation of the building to be restored. Steve Golnar asked about a tour of the building and when it might be convenient. Ms. Martin stated that the Community Open House will be held October 20, 2002 at approximately 2:00 p.m. and would welcome anyone who may be interested in seeing the building at that time. It was confirmed with the City Commission that this date would be appropriate for them to tour the building. In summary Ms. Martin thanked the City for all of their support.

All in favor of consent items as amended, Motion passed.

Resolutions:

Motion was made by Romans, second by Dahl, to approve Resolution No. 3328 as amended - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTABLISHING FEES FOR CIVIC CENTER.** Steve Golnar stated that the schedule of fees for the Civic Center had been adopted last in 1997 and needed to be updated with some new rates. Clint Tinsley stated that the only real difference was that the Civic Center would be charging for the rental of tables and chairs for events being held on weekends when City crews have to setup and tear down the tables and chairs. Mr. Golnar also stated that the new fees would be in effect as of the date of the Resolution. The fee changes will include changes discussed among the City Commission.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3329 as amended - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, STATING ITS SUPPORT FOR THE CREATION OF A STATEWIDE MAIN STREET PROGRAM SPONSORED BY THE NATIONAL TRUST FOR HISTORIC PRESERVATION.** Ms. Dahl stated that there was a typo in the 2<sup>nd</sup> whereas to change spark to sparked. Thomas Romans asked where the funding would come from for this. Steve Golnar stated that the MLCT (Montana League of Cities and Towns) is trying to assist with the creation of the Main Street Program if the Legislature does not successfully fund a program as has been attempted in the last two Legislative sessions. This approach proposes core support and a possible partnership with the Legislature by providing for office space and Staff support from MLCT along with grant funding from the Montana Community Foundation to fund a Main

Street Program. Ed Davis asked about clarification of the 4<sup>th</sup> whereas where it states that the "downtowns should not be handled by the State budget crisis". Steve Golnar suggested to change handled to hampered.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3330 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH NELSON ENGINEERING & ASSOCIATES, INC. FOR STREET RECONSTRUCTION PROJECT FOR 3<sup>RD</sup> THROUGH 5<sup>TH</sup> STREETS FROM CALLENDER TO PARK STREETS, INCLUDING CALLENDER STREET.** Sheryl Dahl asked if this would include the 5<sup>th</sup> Street crossing intersection. Clint Tinsley stated that "no" this project would not include the 5<sup>th</sup> Street crossing with the scope of work that the Engineer proposed. Steve Golnar asked if Clint Tinsley or Scott Nelson could describe the Architects involvement in this process. Clint stated that this project includes 3<sup>rd</sup> and Callender Street and that it is the first Intersection in the City's Urban Design area and Architect, Larry Rafferty is being brought on board by Engineer, Scott Nelson to assist the community in visualizing and defining specific construction standards for Infrastructure projects in the downtown area. The final draft of the Urban Design Plan should be available in two weeks for the Commission's review and consideration.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3331 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO SIGN AMENDED COMMUNICATIONS SERVICES AGREEMENT WITH PARK COUNTY.** Steve Golnar gave comments concerning this amended agreement with Park County. Park County proposed some changes from the agreement that was adopted at the last City Commission meeting. This agreement includes the changes that Park County proposed.

All in favor, Motion passed.

#### Action Items:

Motion was made by Gregrey, second by Dahl, to proceed with the first reading at the next meeting and have a public hearing on November 4, 2002 for Ordinance No. 1915 as stated - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REVISING CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR REGISTRATION OF VICIOUS ANIMALS, BY REQUIRING THAT VICIOUS ANIMALS BE CONTROLLED AT ALL TIMES AND GENERALLY REVISING THE ANIMAL CONTROL ORDINANCE AND ESTABLISHING A PENALTY, BOTH CIVIL AND CRIMINAL.** Sheryl Dahl asked that under definitions to have a part (g) added, "sign made of metal provided by the City at the owners expense".

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to proceed with the first reading at the next meeting and have a public hearing on November 4, 2002 for Ordinance No. 1911 as stated – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TIME LIMITS FOR CERTAIN NOISES AS SET FORTH IN SECTION 10-5 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING A NEW SECTION 10-6 PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND DURING CERTAIN TIMES AND CREATING A PENALTY FOR VIOLATION THEREOF.** Sheryl Dahl asked for clarification about the wording of Section 1, part (6) stating "The use of any automobile, motorcycle, or vehicle so out of repair, (so loaded) or in such manner as to cause loud or unnecessary grating, grinding, rattling or other noise." She asked if this meant souped up vehicle or was it having a heavy load on it. Bruce Becker stated that he felt it meant having something in the vehicle that makes noise. This came from the original Ordinance and Bruce stated that he would try to clarify this for the first reading. It was agreed among the City Commission that it read "or other condition so as to cause louder or unnecessary grating, grinding, rattling or other noise".

All in favor, Motion passed.

Motion was made by Davis, second by Gregrey, to deny Counterpoint's request for a 4-Way Stop Sign at Lewis and "B" Street. Steve Golnar stated that he did write a letter to Dave Eaton and Wendy Turek, which was provided in the packet responding to Counterpoint's request for a 4-Way Stop sign at "B" and Lewis Street. Steve stated that he had asked Darren Raney, Police Chief to observe this intersection and give a recommended direction for ensuring the safety of Pedestrians in this Intersection. Darren Raney stated that he would communicate and coordinate with Counterpoint about relocating the "loading zone sign" so that the Van parking could be moved back to improve motorists view of pedestrians in crosswalks at the intersection.

All in favor, Motion passed.

The consideration of acceptance of donation of the Teslow Grain Elevator located on Park and "G" Streets was discussed with the City Commission and Staff. Larry Rafferty gave comments encouraging the City Commission to accept the donation of the Teslow Grain Elevator donation. He stated that the building is a building which is a Gateway historical landmark for East Park Street area of Livingston. He felt preserving this building though taking ownership is up to the City Commission. David Viers made comments agreeing with Larry Rafferty. Mr. Viers stated that there is an agricultural past of the City of Livingston and that the building represents our community's heritage. Mr. Viers asked the City Commission if they would consider the donation of the Teslow Grain Elevator so that the heritage would

continue in the City of Livingston. After much discussion it was decided to direct the City Attorney to propose a one (1) year sub-lease with the owner and bring the proposal back to the City Commission meeting on November 4, 2002 if the owner would agree to this.

Review of the Carter Building Services Judgment was made by the City Commission and Staff. The City Attorney, Bruce Becker, was present to answer any questions concerning the status of this case with the City Commission. Steve Golnar stated that he would have a proposal for the City Commission recommending changes in existing budgeted expenditures to pay for this claim.

Motion was made by Dahl, second by Gregrey, to nominate Vicki Blakeman as the voting delegate for MLCT (Montana League of Cities and Towns) Convention for the City of Livingston.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to nominate Sheryl Dahl as the alternate for the voting delegate for MLCT (Montana League of Cities and Towns) Convention for the City of Livingston.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to support the nine (9) Resolutions of the Montana League of Cities and Towns with the exception that on Resolution No. 4, item No. (d) "business equipment tax rate increases" should be omitted and on Resolution No. 3 that the Commission should support local option taxes, but be wary on new State taxes and encourage reductions in the cost of State bureaucracy. Steve Golnar gave background information relating to the significance of these Resolutions and the perspective of the Montana League of Cities and Towns and recommended Commission's support.

All in favor, Motion passed.

Motion was made by Romans, second by Dahl, to direct Staff to prepare a budget amendment, advertise and schedule a public hearing for an addition of a half time Recreation/Utilities Clerk to be funded with existing budgeted funds. Steve Golnar stated this new position salary expense will be covered by funds already appropriated within the Recreation Fund and Utilities Fund.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Lenny Gregrey stated that the Source Water Protection Ordinance second reading was suppose to be at this meeting and asked Steve to explain as to why this matter was not on the Agenda. Steve



stated the Ordinance was mistakenly not advertised for the public hearing and that such advertisement has to be done before the second reading. It was requested that the second reading and public hearing for this Ordinance be postponed until the Commission's November 4, 2002 meeting so that it could be considered by the full Commission.

- Ed Davis commented on the Health Insurance Pool and was in much agreement to this solution to consolidate with other communities.

Commissioner Davis Comments:

- Requested that crosswalk signs be put up at "B" and Lewis Streets.
- Asked about the stop sign on the Clark Street by Winan's School and why the Geysers Street side did not have a stop sign. Darren Raney stated that because the buses load and unload on the Clark Street side and not on the Geysers Street side.

Commissioner Romans had no comments.

Commissioner Dahl had no comments.

Commissioner Gregrey Comments:

- Asked about the Acronyms list and what the status is.
- Had a complaint from a Livingston Locksmith Service and why the Fire Department would provide locksmith services to the public. He requested that the Fire Department call the locksmith service a call before acting on this.
- He stated that he had a call from community member and that they stated that Livingston has a drug problem. He would like to see advertisement made that the City does have a process for anyone who would like to comment about the drug problem in the City so that they can make their comments stated.
- Asked if any progress had been made on reducing the number of vehicles in the City Motor Pool. Steve Golnar stated that the City is working on this issue and gave information as to how the City is doing this.

Chairman, Vicki Blakeman had no comments.

No public comments were given.

Motion was made by Gregrey, second by Romans, to adjourn the meeting there being no further business. Motion passed.

The time was 10:07 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
October 21, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, October 21, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Thomas Romans, Sheryl Dahl and Lenny Gregrey. Ed Davis, Sr. was absent.

Staff members present were Steve Golnar, Bruce Becker, Glenn Farrell, Jim Mastin, Clint Tinsley, Jim Woodhull and Pam Payovich. Shirley Ewan was absent.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve October 7, 2002 regular City Commission meeting minutes as amended.
- B. Accept Bills and Claims for FY 2002.
- C. Department Heads Monthly Reports and Other Minutes.

Vicki Blakeman asked about the Livingston Fire & Rescue report if it was for the fiscal year or for the calendar year. Jim Mastin, Fire Chief replied that it was for the calendar year.

All in favor of consent items, Motion passed.

Public Hearing:

Motion was made by Gregrey, second by Dahl, to accept knowledge of receipt of bid for the purchase of the 1902 Original Old East Side School and direct Staff to develop a lease for parking spaces, contingent on sale of property, advertise for public hearing of a special meeting to be held November 7, 2002 at 7:00 p.m. and order a survey of the property.

Eric Schneider stated that he had two issues concerning purchasing of the Old East Side School. One being parking; if they were to turn the front of the School into lawn, in keeping with the historic nature of the way it was before the asphalt was poured, they would not have any parking space for this building. Their goal is to see if along with the sale of the building, could they work out a mutually agreeable loan or lease with the City for parking. Also he stated that it was his understanding that the purchase of the School would be contingent upon the City being able to close and pass the deed to the property on or before November 15, 2002.

Sheryl Dahl asked what a long-term parking lease would be to the Schneider's. Eric Schneider stated by saying 20 or 25 years.

Lenny Gregrey asked if the parking requested to be leased was directly west of the Building. Eric Schneider replied by saying yes and stated if they could get 15 spaces that would be satisfactory.

Lenny Gregrey stated that this is not an unreasonable request. The parking spaces should be utilized for parking. He was curious about the actual lease fee.

Steve Golnar asked Mr. Schneider what kind of rate for parking and what type of lease would he consider and did he want the intent of the Commission or an actual agreement at the present meeting. Mr. Schneider stated that he would just like to get a sense for what the Commission would consider at the present meeting.

Vicki Blakeman asked if this was something that could be worked out in the closing.

Eric Schneider summarized by asking for a 25-year lease at \$100.00 per year for 15 parking spaces to be considered in combination with his proposal to buy the Old East Side School.

The City Manager and City Attorney were directed to negotiate a proposed parking lot lease for the property west of the Old East Side School. A draft of which will be reviewed at the City Commission meeting November 4, 2002.

All in favor of Mr. Gregrey's initial motion, Motion passed.

Ordinances:

Motion was made by Romans, second by Gregrey, to approve first reading of Ordinance No. 1911 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TIME LIMITS FOR CERTAIN NOISES AS SET FORTH IN SECTION 10-5 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING A NEW SECTION 10-6 PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND DURING CERTAIN TIMES AND CREATING A PENALTY FOR VIOLATION THEREOF.** Public comments were welcomed.

Jim Sullivan asked if there would be a set time on this Ordinance. Vicki Blakeman answered by saying that this Ordinance is for 10:00 p.m. until 7:00 a.m. Jim Sullivan stated that he felt that it should be 24 hours a day and that he doesn't want to be disturbed any time of the day. Deanna Lackey with the Park County Weekly stated that she is from Oklahoma and that they have a night Sound Ordinance with a general decibel rule under the disturbing the peace section. Vicki Blakeman stated that is what the City has in the old law. It is very difficult for the Police Department to enforce and this is why the City is proposing the 50 foot distance to make the Ordinance easier to enforce. Also Vicki stated to Jim Sullivan that in the Workshop for this Ordinance that the Commission felt that it would difficult to enforce a 24-

hour noise ban and felt that the hours established would cover most of the concerns of the public. On behalf of the Police Chief, Captain Glenn Farrell also mentioned that you can file a complaint at any time under the disturbing the peace and disorderly conduct. A second reading will be on November 4, 2002 for this Ordinance.

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve first reading of Ordinance No. 1915 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REVISING CHAPTER 4, ANIMALS, OF THE LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR REGISTRATION OF VICIOUS ANIMALS, BY REQUIRING THAT VICIOUS ANIMALS BE CONTROLLED AT ALL TIMES AND GENERALLY REVISING THE ANIMAL CONTROL ORDINANCE AND ESTABLISHING A PENALTY, BOTH CIVIL AND CRIMINAL.** Brad Haefs, Animal Control Officer, provided a picture of a sign that the City Commission could consider instead of the one described in the Ordinance. Also Brad Haefs stated that tattooing vicious dogs is becoming a lost art and that the Commission may consider adding "microchip" to the description of how to identify such dogs.

Motion was made by Gregrey to withdraw previous motion.

Motion was made by Gregrey, second by Dahl, to amend Ordinance No. 1915 first reading to add "microchip" to Section 4.72 item (a) to read "The owner or keeper, at his or her own expense, shall have the licensing number assigned to such dog, or such other identification number or microchip as the City shall determine, tattooed by a licensed veterinarian on the dog's upper inner lip, inner thigh or elsewhere as directed by the Animal Control Officer". Also to delete in Section 4.72 item (b) "The sign shall be supplied by the City of Livingston, which shall be triangular in shape, yellow in color with a bright red border bearing a written warning "Beware of Dog" in bold black letters." and will read "The sign shall be supplied by the City of Livingston".

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Ordinance No. 1915 as amended.

All in favor, Motion passed.

Resolutions:

Motion was made by Gregrey, second by Gregrey, to approve Resolution No. 3333 as written - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH NELSON ENGINEERING & ASSOCIATES, INC. FOR THE PRELIMINARY ENGINEERING STUDY OF THE LIVINGSTON DITCH BETWEEN YELLOWSTONE STREET AND MAIN STREET.**

Sheryl Dahl asked if this was included under the grant that the Livingston Ditch Company had applied for. Steve Golnar stated yes and that it was determined that the City needed to be involved in this project. Thomas Romans stated that the ditch extends under Gallatin Street and if it would be possible to extend the culvert that far. Sheryl Dahl asked why the City was only doing a 4-block section. Steve Golnar stated that is what was identified as one of the worst sections because it is covered by boards and that the boards have been identified by the Fire Department and by other entities within the City as an attractive nuisance and an accident waiting to happen and that it would be very expensive to cover the entire ditch through town.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3334 as written – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR TRANSPORTATION COORDINATOR.** Steve Golnar stated that this position description is recommended by the Angel Line Board.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to approve Resolution No. 3335 as written – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR RECREATION ACTIVITIES ASSISTANT/ASSISTANT UTILITY CLERK.** Vicki Blakeman asked if this person will be part-time in the Utility Department or the Recreation Department. Clint Tinsley answered by stating that this position will be part-time in the Recreation Department in the Winter and part-time in the Utility Department in the Summer.

All in favor, Motion passed.

Action Items:

Motion was made by Dahl, second by Gregrey, to withdraw proposed CTEP project for 2001 City Sidewalks – Livingston and have City Manager write a letter to CTEP Bureau informing them of the Commission's decision.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to direct City Manager and City Attorney to prepare a Consultant Services agreement for the Landscaping Capital Improvement Project with Jodi Litchfield. Steve Golnar stated that the City received two bids for this work and he recommended that Jodi Litchfield be contacted to develop a contract for services.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- The City/County Agenda was provided to the City Commission for the meeting scheduled October 23, 2002, Wednesday at 4:00 p.m.
- The Historic Preservation Officer Workshop was rescheduled for November 13, 2002 at 7:00 p.m.
- The Baseball Association has agreed to purchase materials for the installation of a sprinkler system at the lower field of the Miles Park Complex and with coordination with Mr. Tinsley, Public Works Director supports cooperative endeavor that the Public Works Department has the personnel and capability of getting this job done.

Commissioner Romans Comments:

- He stated that he had complaints about kids riding bikes in the Skate Park and asked if he understood correctly that the Insurance Company does not want this happening. Steve Golnar stated that there are signs on the fence that no bikes are allowed and that bikes are not acceptable on the Skate Park ramps.

Commissioner Dahl Comments:

- Thanked City Staff and the City Commission for allowing her to go to the Montana League of Cities and Towns Convention in Butte and that it was a learning experience and hopes to share the information that she learned.

Commissioner Gregrey Comments:

- Thanked the City Staff and Shirley Ewan for the list of Acronyms.
- Wanted to remind City Staff to advertise Source Water Protection Ordinance public hearing.
- Commented on the beaver in Fleshman Creek. Steve stated that this has been addressed. Bob Jenkins asked why the culvert is blocked off and that there is water in it. Clint stated that the leaves and branches are plugging up the culvert and that it will be cleaned out once a week until the water is shut off then the water should be dried up in about a week.

Chairman, Vicki Blakeman Comments.

- Stated that she had been asked from the Chamber of Commerce about Angel Line taking folks to Bozeman and Billings to do their shopping and that local business people were upset about this. Steve Golnar stated that he knew that they talked about a trip to Bozeman but was not aware of any trips to Billings and stated that he would follow up with this at the next meeting.

Public comments:

- Bob Ebinger of 128 South Yellowstone thanked the Downtown Business Association and the City for allowing him to represent the City at the Main Street Program in Billings two weeks ago and that it was a very gratifying experience. Also he asked the City Commission to reconsider accepting the donation of the Teslow Grain Elevator.

- Kam Beckman asked the City Commission if they would be willing to let the Wind River Institute look at possibly renting the Water Treatment Building and wondered if there were blue prints of the building and asked if this could be placed on the agenda for the next meeting for any ideas, which the City may want to do. Steve Golnar stated that the last City Commission direction relating to this building was to clean the building up before renting would be considered. This has not been done. He also recommended that if rental of that facility were to be considered, he would recommend advertising for proposals to allow full public participation. He was also curious about the City's future space needs without the Old East Side School. The Commission asked for the Old Water Treatment Plant to be discussed at the next City Commission meeting.

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

The time was 8:40 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION MEETING  
November 4, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 4, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Thomas Romans, Lenny Gregrey, Ed Davis, Sr. and Vicki Blakeman. Sheryl Dahl was absent.

Staff members present were Steve Golnar, Bruce Becker, Darren Raney, Jim Mastin, Clint Tinsley, Jim Woodhull and Pam Payovich. Shirley Ewan was absent.

Motion was made by Gregrey, second by Romans, to approve the consent items as follows:

- A. Approve October 21, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.

Lenny Gregrey asked about the digital camera reimbursement to Jim Mastin for the Fire Department. Jim Mastin stated that the camera was purchased off of the Internet so that it had to be bought with his personal credit card and he had requested reimbursement.

All in favor of consent items, Motion passed.

Vicki Blakeman read a Proclamation for the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States for the City of Livingston to be on Saturday, November 9, 2002 in honor of Veteran's Day.

Public Hearings:

Motion was made by Gregrey, second by Davis, to approve second reading of Ordinance No. 1911 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE TIME LIMITS FOR CERTAIN NOISES AS SET FORTH IN SECTION 10-5 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING A NEW SECTION 10-6 PROHIBITING AMPLIFIED SOUND WHICH CAN BE HEARD AT A DISTANCE OF 50 FEET FROM THE VEHICLE CAUSING THE SOUND DURING CERTAIN TIMES AND CREATING A PENALTY FOR VIOLATION THEREOF.** No public comments were given.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to approve second reading of Ordinance No. 1915 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REVISING CHAPTER 4, ANIMALS, OF THE**

**LIVINGSTON MUNICIPAL CODE BY PROVIDING FOR REGISTRATION OF VICIOUS ANIMALS, BY REQUIRING THAT VICIOUS ANIMALS BE CONTROLLED AT ALL TIMES AND GENERALLY REVISING THE ANIMAL CONTROL ORDINANCE AND ESTABLISHING A PENALTY, BOTH CIVIL AND CRIMINAL.** Public comments were given by Heidi Barrett of 231 South "H" Street. She commented that she was for the vicious animal Ordinance. She stated that she has had barking dogs in here neighborhood continuously and has asked neighbors to sign as additional witnesses and that they will not do so because they have dogs of their own and this would be a conflict of interest. She also stated that the barking dogs disturb her quality of life. She asked what can she do to stop barking dogs if, as it is stated that there has to be three people in concurrence with her complaint. She provided a comment letter of here statements to the Recording Secretary. Vicki Blakeman asked Darren Raney, Police Chief if this was the only recourse that she had to react through the City Ordinances. Darren Raney stated that the City's new Ordinance's would be easier to enforce than the old one that is in effect now. The City Attorney was asked by the Commission to prepare a separate amendment to the City Codes to be brought back at a later date which would add to the wording to allow for the use of a videotape with time and date identification to serve as evidence for disturbing the peace in section 4-7.

All in favor, Motion passed.

Motion was made by Gregrey, second by Romans, to approve second reading of Ordinance No. 1918 - **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ORDINANCE NO. 1905 AS CODIFIED BY 13.25.1 OF THE LIVINGSTON MUNICIPAL CODE AND ENACTING THE CITY OF LIVINGSTON SOURCE WATER PROTECTION PLAN BY PERMITTING PRIVATE IRRIGATION WELLS TO BE DRILLED IN THE AQUIFER PROTECTION AREA AND PROVIDING A CIVIL PENALTY FOR ANY VIOLATION.** Public comments were given by Jim Hunt of 417 South 9<sup>th</sup> Street. He stated that he was against this Ordinance and would like to see it left as Ordinance No. 1905 is written. He also stated that the protected area in the existing Ordinance is the main Water Source (Aquifer) for municipal wells and disagreed with leaving this area open to allow private irrigation wells in the City.

Lenny Gregrey gave background information concerning this Ordinance No. 1918 and the reasons why this should be passed with verification of certain instances.

Ed Davis explained his support for this Ordinance. He stated that water is the State's property and owners have the right to the water. He commented that pollution has been in the lawns and gardens with fertilizer and pesticides for along time and that this Ordinance for drilling private irrigation wells would not harm the ground any more than any other product.

3 in favor; Romans, Davis and Gregrey, 1 opposed; Blakeman, Motion passed.

Resolutions:

Motion was made by Blakeman, second by Romans, to approve Resolution No. 3332 - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CARRYING FORWARD THE AUTHORITY TO IMPOSE THE MAXIMUM NUMBER OF AUTHORIZED MILLS AUTHORIZED BY HOUSE BILL NO. 124.** No action was taken. Thomas Romans stated that he did not feel comfortable granting the City this power of passing this Resolution with taxes going up and cannot support this. Ed Davis stated that he felt that the City is looking at a 6% to 7% of the City's authority that isn't being used and for sake of those paying the bills and paying the taxes he felt that this could be put to rest. Steve Golnar explained what the purpose of this Resolution was. He stated that the Legislature did authorize the City up to a certain maximum number of mills to be levied with the new Legislature created by House Bill No. 124. Mr. Golnar went on to state that the City's Auditors identified that the City had not levied all of the permissible mills under that Legislation and that the proposed Resolution was a process by which the City could identify what it has not levied in order to preserve that potential for the future. The City Commission wished to bring this issue back at the next meeting so that additional input could be received from the Finance Officer.

Motion was made by Davis, second by Gregrey, to table Resolution No. 3332 until the next meeting.

3 in favor; Gregrey, Davis and Blakeman, 1 opposed; Romans, Motion passed.

Action Items:

Discussion with the City Commission and Staff of the review of the status of Old East Side School special meeting preparations including Public Notice for City/County Planning Board meeting, special City Commission meeting Notice and Agenda and proposed 25-year lease of property west of the Old East Side School for parking purposes took place. Steve Golnar stated that the Commission at their last meeting decided to move forward with a Public Hearing to sale the Old East Side School and directed Staff to have a survey of the property performed. This property would be a major subdivision in the middle of the half of block behind the City/County building which would extend 10 feet in the back of the building and also 10 feet to the west of it all the way down to Lewis Street. The survey was underway and expected to be completed on Monday, November 4, 2002 and public notice for a City/County Planning Board meeting a major subdivision final plat review on Wednesday, November 6, 2002 at 7:00 p.m. and a Special City Commission meeting on Thursday, November 7, 2002 at 7:00 p.m. to consider:

- the major subdivision final plat,

- authorizing the City Manager to sign agreements which allow for exchange of the property in exchange for the proposed \$175,000, and,
- the parking lot lease agreement which the Schneider's requested at the last meeting and the City Commission direction to be developed as part of this package.

The Commission was asked to review and comment on the proposed parking lease in order to move toward finalizing this lease in preparation for the November 7, 2002 special meeting.

Lenny Gregrey commented on the letter from Robert Jovick, the Schneider's Attorney, which was provided in the packet that read, "the rental fee modification is totally unacceptable which was discussed with members of the City Commission that \$100 per year would be charged, and Schneider's expect the City to adhere to that rate". Lenny stated that in any transaction in any real estate deal that the parties involved are trying to get the best deal in their interest. He also stated that he has a responsibility as a City Commissioner to see that the City, taxpayer's money is not being wasted and that the City is getting the best value for their dollar. In summary, Mr. Gregrey stated that \$100 per year for parking lot on a 25-year lease, that he could not go for that.

Ed Davis suggested \$25 per month for parking spaces could be a possible agreement. He went on to say that a low cost lease is in order to get this agreement going and would be fair to both the City and the Schneider's.

Mr. Schneider gave his concerns about this issue relating to the sale of the Old East Side School. He stated that he had not had a chance to talk about this with Steve Golnar or the City Commission about the parking spaces lease agreement. He commented that he has given the City a bid proposal of the Old East Side School of \$175,000 which the City has paid about \$120,000 a few years ago and that the City is keeping  $\frac{3}{4}$  of the land that's associated with the property. He also stated that the building permit fee on a \$300,000 upgrade building is going to be \$5,000. He stated that the taxes are going to be \$8,000 per year and the next ten years with mill levies going up it will probably be \$10,000 per year for taxes. This building has cost the City \$80,000 to \$100,000 per year for last 10 years being empty. It was his understanding that the parking space "rental" would be a token payment to encourage the project as an investment in the community.

Lenny Gregrey stated that his wishes were for the City Manager and the Schneider's to come up with a reasonable number or situation that is agreeable with both about the parking spaces.

Steve Golnar asked for some guidance from the City Commission to make a reasonable agreement between the Schneider's and the City.

Lenny Gregrey stated that he is not happy with a \$100 per year but that he was sure that there is a figure that both parties can agree on.

Vicki Blakeman asked the Schneider's if they would be willing to tie it to some cost of living expense on a 5-year basis.

Lenny Gregrey concluded that he was sure that the City Manager and the Schneider's could agree on an alternative.

Thomas Romans stated that he was in agreement with \$100 per year on a shorter-term lease than 25 years.

Vicki Blakeman asked Mr. Schneider if in fact he was set on a 25-year term and he stated "yes".

Ed Davis stated that he has a hard time accepting a \$100 per year for a 25-year term.

Bob Ebinger of 128 South Yellowstone stated that he has driven by the Old East Side School and the north side of Lewis is not used for parking at all and if this could be negotiated in the agreement for tenants parking. Vicki Blakeman stated that is public parking and they did not want to have this issue involved in the agreement as of yet but that it would be available to the tenants at all times.

Motion was made by Gregrey, second by Davis, to authorize the City Manager and the Chairman of the City Commission to sign letter to Montana Department of Transportation recommending placing "B" Street and Main Street from Park to Geyser Streets on the Urban Systems Priority List for the Livingston Urban area. Steve Golnar stated that he has already received the signature from the Chairman of the County Commission to sign this letter and would like to have the City Commission consent also.

All in favor, Motion passed.

Discussion of the Old Water Treatment Plant to be leased or rented were given. Steve Golnar stated that he felt that it was a pre-mature to seek to lease the Old Water Treatment Plant. He suggested that this be re-visited in 2003 after the City would have some time to sort through the impacts and changes in the City's facilities inventory and future plans for parks and recreation and open space. He also stated that this building needs to be cleaned out and hopes to be able to have this accomplished this winter. The City Commission concurred with the City Manager that this building is not ready for leasing or renting. Kam Beckman stated that she would like the City to consider for the future having this building occupied for the sake of the neighborhood and to limit vandalism.

The City Commission and Staff, which was provided in the packet, reviewed a Draft Agreement with Park Electric for evening, holiday and weekend customer emergency calls. Ed Davis asked about dispatch capability and

possibly needing more employees. Darren Raney stated that he did not believe so and that was why the 30-day termination clause was put into the agreement.

Discussion of the procedure for setting the agenda, specifically relating to acceptance of the Teslow Grain Elevator donation located at Park and "G" Street was had. It was determined that no action would be taken on this item because of the absence of one of the City Commissioner's at this meeting and that all of the City Commissioner's wanted to be present when this issue was brought up for a decision.

Bob Ebinger of 128 South Yellowstone Street stated that he would not be here for the November 18, 2002 meeting and made comments about the Teslow Grain Elevator donation to the City that the community is willing to help the City with the financial responsibility of maintaining this building and mothballing it.

Lenny Gregrey asked Bob Ebinger about the mothballing concept of the Teslow Grain Elevator instead of the City, could the mothballing be done directly with the owner of the property with the \$1000. His concern was that once title is transferred from one party to another the party that gave it to you doesn't want it back in 12 months then the City would have a building. He suggested if Bob Ebinger's group wanted to make it financially feasible for the owner of the building to pay those expenses that he would be incurring in that period of time that he is holding the building with the anticipation of giving it to an entity that is a non-profit organization where he benefits tax wise this might be agreeable to him. He went on to say that he would love to see something done to the building, but would prefer that the City not hold the building.

David Viers of 121 Convict Grade Road commented that he has spoken to Mr. Mooneyham about another entity taking the building over and he stated that Mr. Mooneyham did not want to give this building to another entity other than the City.

Action will take place on the Teslow Grain Elevator donation to the City at the next City Commission meeting on November 18, 2002.

Sharon Walker asked about clarification relating to the Old East Side School sale and if the City Commission has given the City Manager sufficient direction to negotiate the parking space lease with the City. Her concern was that all of the direction was not clearly initiated for this issue for the intent for Mr. Golnar to negotiate with the Schneider's. She went on to state that being involved in the Alliance Economic Development for the City of Livingston that she has had several calls from people wanting to come to the City of Livingston and that they would want high-tech places and this would bring business to the City of Livingston but unfortunately there is not any place in Livingston with high-tech services. She also commented that the

Old East Side School sale would give a high-tech building to this community so as to bring business and would help expand the business in the City. She said that she has already had two people talk to her about their interest in this building being completed so that they could move their business here.

Lenny Gregrey stated that the direction to the City Manager is to negotiate an agreement with the Schneider's that both the City and the Schneider's can live with.

The City Manager's written comments were reviewed.

- Lenny Gregrey asked about the lobbyist registration fee email note from Alec Hansen, Director of Montana League of Cities and Towns. Steve Golnar stated that he was just notifying him to let him know that the Commissioner of Political Practices had mentioned to Mr. Hansen that elected City Officials will have to register to lobby but will not have to pay the \$150 fee unless the bill to clarify the meaning and intent of the law is killed. Steve stated that he will get the forms to register as a lobbyist if anyone needs them.
- Vicki Blakeman asked about the Historic Preservation Workshop if this would need to be changed due to the possibility of Bob Ebinger not being able to attend.
- Steve Golnar let the Commission know that the November 6, 2002 City/County meeting is going to be rescheduled for November 19, 2002 along with the City/County Legislative Orientation on the same day.

Commissioner Davis Comments:

- He asked about the other offer from Jonathan Foote and Associates arrangement for the Old East Side School. He wanted verification for what actually happened with their offer. Steve Golnar stated that he had approached them to identify whether they would be interested. Even a long-term lease arrangement with the East Side School was discussed. Working under the direction from the City Commission which has always been the way the City would look at leasing the property on a short or medium-term basis. He was considering a longer term with them to encourage them to continue to remain in this area. Representatives of Jonathan Foote and Associates identified to Mr. Golnar that they would want to own instead of lease the property and that was part of the hold up but they did not come back to him with a proposal to purchase the property. And at that time Mr. Golnar stated that his understanding was that the City Commission was not interested in putting that building up for sale. In addition putting the 1949 Addition of the Old East Side School up for sale was to allow for the Fire Hall Fitness Center to relocate in order to encourage Jonathan Foote and Associates to stay in the community.

Commissioner Romans Comments:

- He commented on the comments given by David Viers in talking to Mr. Mooneyham about the Teslow Grain Elevator donation to the City and his impression that Mr. Mooneyham's comments implied to him that he wanted the City to take the donation and wants it preserved.
- He has a problem with the Angel Line complaint that the Chamber of Commerce received about the Angel Line Van transportation senior citizens to Bozeman for shopping. He felt that they deserve to be able to go to Bozeman if they chose for shopping or whatever the reason. It's not an on-going transportation situation. It's a once in a while opportunity for the senior citizens to see different things and enjoy themselves. He also stated that if we can give the Downtown Association \$1500 to attend a class in Billings, then why can't we allow seniors to take a tour to Bozeman.

Commissioner Gregrey Comments:

- He asked the City Attorney about the article in the Livingston Enterprise on November 1, 2002 about the "Victims of rights violations can sue for damages" and at this time did he know what the exposure would be for elected City Officials i.e. City Commissioners, County Commissioner's, etc. and what the situation that they are talking about. Mr. Becker stated that there is a whole wealth of casework development called section 19.83 actions. This means if a person acting under the color of authority violates the constitution of rights you can sue the government for that violation. Federal Law states that as long as you are acting within the scope of work of your duties the government has a duty to defend you individually. But if you do something intentionally wrong then you would have some personal exposure.

Chairman, Vicki Blakeman Comments:

- She clarified that the City gave the Downtown Association \$330 not \$1500 for the class held in Billings.

No Public comments were given.

Motion was made by Gregrey, second by Romans, to adjourn the meeting there being no further business. Motion passed.

The time was 9:52 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION



LIVINGSTON  
CITY COMMISSION  
SPECIAL MEETING  
November 7, 2002  
7:00 p.m.

The Livingston City Commission met in special meeting session on Thursday, November 7, 2002, at 7:00 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Thomas Romans and Ed Davis, Sr.

Staff members present were Steve Golnar, Bruce Becker, Darren Raney, Jim Mastin, Jim Woodhull and Clint Tinsley. Absent were Shirley Ewan and Pam Payovich.

Blakeman opened the meeting with letter from Eric and Carol Schneider with their removing their bid on the Old Eastside School.

Motion was made by Dahl and seconded by Gregrey to approve final plat of subdivision for the Old Eastside School. Discussion was held. Gregrey feels that the City should proceed with the subdivision of the property regardless of whether it will be sold in the near future.

Sharon Walker of 306 South Main wanted to know what the implications of subdividing at the property were: Woodhull explained that any future subdivision would be a boundary adjustment.

Blakeman clarified with City Attorney, Becker that the whole 1/2 block has been reclassified so property could be sold for economic or community development purposes. He concurred.

All in favor motion to approve final plat was approve.

Motion was made by Dahl and seconded by Romans to terminate the City Manager's contract. Discussion was heard.

Dahl stated that the failure to negotiate the contract with the Schneiders, the lost tax revenue as well as concerns stemming from Golnar's last evaluation and his Union negotiating history were her reasons for making the motion.

Golnar stated that he never received a clear answer from the Commission in knowing what they would accept from the Schneiders for the parking lot lease rental fee.

Gregrey stated that he believed the Schneiders had reservations about buying the East Side School and that does not warrant terminating the City Manager's contract.

Romans stated the contract with the Schneiders should have not failed over parking. He was not aware of any urgency over the parking issue. Romans did not want to make a termination decision at this meeting.

Davis concurs with Gregrey in that the Schneider's contract was not worthy of dismissal but would agree to a lesser reprimand for the failure to negotiate the contract.

Dahl stated that she did not believe the City Manager was prepared to vacate the building.

Golnar explained his spreadsheet on the future revenues that would have come into the City if the package deal had gone through.

Romans asked why this information was not provided earlier?

Golnar replied that this was the first time the Commission had gotten this far along on any sale of City Land.

Dahl stated that the Commission directed the City Manager to do whatever was needed to get the Building sold.

Gregrey reiterated that loosing the sale of the building was not a disaster and did not warrant termination.

Dahl stated that termination does not require a cause and that loosing the sale of the East Side School was a disaster.

Blakeman concurred with Dahl in the fact that this was a disaster but it was not entirely the City Manager's fault. She also concurred with Roman's that the Commission should have gotten the spreadsheet earlier before the deal was lost. She stated that the Commission was not presented with the positive side of the sale by the City Manager and she feels that the City Manager is not working in the same direction that the Commission wants for the City. She stated that the current City Manager might not be the right person for the job.

Romans made a motion to table the termination, Dahl seconded. All in favor motion passed.

Motion was made by Dahl seconded by Romans to adjourn. The time was 8:05 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Jim Woodhull  
CITY PLANNER

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
November 18, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, November 18, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Thomas Romans, Lenny Gregrey, Ed Davis, Sr., Sheryl Dahl and Vicki Blakeman.

Staff members present were Steve Golnar, Bruce Becker, Darren Raney, Jim Mastin, Clint Tinsley, Jim Woodhull, Shirley Ewan and Pam Payovich.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve November 4, 2002 regular City Commission meeting minutes.
- B. Approve November 7, 2002 special City Commission meeting minutes.
- C. Accept Bills and Claims for FY 2002.
- D. Department Heads monthly reports and other minutes.
- E. Approve Special Event request for Livingston Christmas Stroll on December 13, 2002.

Steve Golnar asked Vicki Blakeman for street closure verification about the map for the route for the Livingston Christmas Stroll. Ms. Blakeman stated that it would be on Main from Park to Lewis Street; on Callender Street from 2<sup>nd</sup> to "B" Street and on Lewis from 2<sup>nd</sup> to Main Street.

All in favor of consent items, Motion passed.

Resolutions:

Motion was made by Dahl, second by Gregrey, to pull Resolution No. 3332 from the table. - **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, CARRYING FORWARD THE AUTHORITY TO IMPOSE THE MAXIMUM NUMBER OF AUTHORIZED MILLS AUTHORIZED BY HOUSE BILL NO. 124.** Steve Golnar stated that this Resolution was requested to be tabled at the last meeting and brought back to be reconsidered. Shirley Ewan, Finance Officer wrote a letter which was provided in the packet giving background on the intent of this Resolution. Ed Davis stated that he was not in the position to approve a mill levy increase, but agreed with preserving the authority of the City to consider adjusting mill levy's in the future.

4 in favor; Gregrey, Dahl, Davis and Blakeman, 1 opposed; Romans, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3332.

4 in favor; Davis, Blakeman, Dahl and Gregrey, 1 opposed; Romans, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3336 – **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 02-03.**

All in favor, Motion passed.

Motion was made by Gregrey, second by Dahl, to approve Resolution No. 3338 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PARK ELECTRIC TO PROVIDE AFTER HOUR DISPATCH SERVICES.**

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3339 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, NAMING THE SKATE PARK THE "McNAIR SKATE PARK"**. Thomas Romans complimented the City Attorney for the way that he wrote this Resolution for not knowing whom this person was. Sheryl Dahl concurred with Thomas Romans that this was a well-written Resolution and emphasized the fact that Nelson McNair was very much a skateboarding person and was very much associated with the sport. She shared with all that Nelson McNair would have been very much involved in this project had he not lost his life in an accident. Vicki Blakeman stated that there would be a dedication in the near future for this special naming of the Skate Park. Thomas Romans stated that he would share the graphic design for the Skate Park sign at the next City Commission meeting.

#### Action Items:

The City Commission and Staff discussed Mr. Mooneyham's clarification of his intent relating to the donation of the Teslow Grain Elevator to the City. Steve Golnar stated that an organizational meeting of the East Park Street group was held on November 12, 2002. At that meeting Mr. David Mooneyham, owner of the Teslow Grain Elevator verified his intent by saying "the elevator is not going to be torn down". He will own it and hold it until he finds someone or entity which will take care of it. Mr. Mooneyham indicated that he is withdrawing the need for an immediate decision by the City Commission relating to acceptance of the Teslow Grain Elevator donation. Steve Golnar suggested that the Commission not take any action

on the decision to accept the donation of the Teslow Grain Elevator. The Commission concurred.

Kelly Gundle with the Department of Natural Resources along with local Arborist, Ron Nelson and his son gave a presentation about the Tree City USA program. A short video was viewed by all about the program.

Motion was made by Gregrey, second by Dahl, to set first reading of Tree Ordinance for December 2, 2002 City Commission meeting to incorporated changes to allow for Tree City USA application.

All in favor, Motion passed.

After discussion of the review of the building codes updates to be adopted by Ordinance before December 27, 2002, it was determined to set first reading of an Ordinance adopting the International Building Codes for December 2, 2002.

Discussion of considering Park County's request to exchange rooms moving Code Enforcement Officer office and allowing for expansion of the Justice Court offices be evaluated and the City Commission gave their consent to move forward with this exchange. Steve Golnar suggested considering this as temporary so as not to require a permanent change to the City/County Complex map of office space distribution or percentage of cost breakdown at this time. He also mentioned that the Sister Cities office was in with the Code Enforcement office until Koji, the Coordinator of International Relations for Sister Cities, departed and that if the City ever replaces this position that more office space would probably be needed.

Motion was made by Dahl, second by Gregrey, to approve the exchange of rooms allowing for expansion of the Justice Court into the Code Enforcement Officer's office (labeled "storage") and relocating the Code Enforcement Officer to the office space (labeled "Gilbert") with the provision that if this office space is determined to be unsuitable by the Code Enforcement Officer or the public then we can discuss with the County new office accommodations for Code Enforcement.

All in favor, Motion passed.

Steve Golnar gave background information relating to the County's Resolution of Intent to withdraw from the City/County Planning Board and initiating advertisement for City Planning Board members be considered at the second meeting in January 2003.

Motion was made by Romans, second by Gregrey, to direct Staff to advertise for City Citizen Representatives for City Planning Board and to prepare information packets for interested parties. Also to direct Staff to place the Resolution adopting the Intergovernmental Agreement, discussed with the

County at the October 23, 2002 City/County meeting, on the December 2, 2002 agenda for the City Commission meeting and schedule appointment of the Citizen Representatives to the City Planning Board to take place at the second meeting of the City Commission in January 2003.

All in favor, Motion passed.

Discussion was given and reviewed to adopt the Commission Orientation Schedule for 2003. The first Commission Elect Orientation session will be November 25, 2002 at 6:30 p.m. Steve Golnar will get agenda and tour schedule to the Commission prior to the dates scheduled.

It was the concurrence of the City Commission to continue on the efforts to possibly sell the Old East Side School and consider including a parking lot to be sold with the building. Among the discussion Sheryl Dahl asked Jim Woodhull, City Planner what the size of a parking space is and he stated, "it is 1 per 500 square foot". It was also determined in concurrence with the City Commission that repairs for preservation need to be done before winter is upon us. The gutters and the roof need to be repaired immediately.

Motion was made by Dahl, second by Romans, to deny Schneider's offer of paying for 1/2 of the reasonable fee for the East Side School survey and thank them for their offer. The consideration of Eric and Carol Schneider's offer to pay for 1/2 of the reasonable fee for the East Side School survey was turned down as this cost would be included in the sale price of the building so it would be recovered when the building is sold.

3 in favor; Dahl, Romans and Blakeman, 2 opposed; Davis and Gregrey, Motion passed.

The meeting went into Executive Session to discuss the City Manager's performance at 8:40 p.m.

The meeting went back into regular session at 10:35 p.m.

Motion was made by Romans, second by Dahl, to un-table the motion to terminate City Manager's contract.

All in favor, Motion passed.

Motion had been made by Dahl, second by Romans, at the November 7, 2002 special meeting to terminate the City Manager's Contract.

2 in favor; Dahl and Blakeman, 3 opposed; Gregrey, Davis and Romans, Motion failed.

The City Manager's written comments were reviewed.

Commissioner Davis had no comments.

Commissioner Romans had no comments.

Commissioner Dahl Comments:

- She stated that she plans on following up on her requests of the City Manager and wants to see a plan from him by mid-December on what he proposes to do for upcoming union negotiations and who will be on the team. She wanted to know who Rick D'Hooge was, what services he provided to the City and the status of his contractual relationship with the City. She stated that the negotiations are scheduled for this spring.

Commissioner Gregrey had no comments.

Chairman, Vicki Blakeman Comments:

- She stated that she too is going to follow up on her requests of the City Manager.

No Public comments were given.

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

The time was 10:47 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

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Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
December 2, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 2, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Vicki Blakeman, Sheryl Dahl, Lenny Gregrey, Thomas Romans and Ed Davis, Sr.

Staff members present were Steve Golnar, Bruce Becker, Darren Raney, Jim Mastin, Clint Tinsley, Jim Woodhull, Shirley Ewan and Pam Payovich.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve November 18, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for FY 2002.
- C. Accept Recommendation from Clint Tinsley, Public Works Director to award Bid for Vintage Street Lights to Sternberg Vintage Lighting.
- D. Waive downtown 2 hour parking restriction and fees from December 16, 2002 to January 1, 2003.

Ed Davis asked if the Vintage Street Light Bid for .125 wall thickness verses the alternate .188 wall thickness to the lowest responsible bidder was in the best interest of the City with the wind in the area. Clint Tinsley, Public Works Director stated that the same lights that have already been installed in the recent Infrastructure projects of the City were specified in the light bid requirements and the Sternberg Vintage Lighting bid at .125 wall thickness was that light and that there has been no problem with them.

All in favor of consent items, Motion passed.

Ordinances:

Motion was made by Gregrey, second by Dahl, to approve first reading as amended of Ordinance No. 1919 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING A CITY TREE BOARD AND GENERALLY REVISING THE CITY'S TREE ORDINANCE TO PROVIDE A COMPREHENSIVE PLAN FOR TREE PLANTING, MAINTENANCE AND REMOVAL AND BE PROVIDING A PENALTY FOR VIOLATION THEREOF.**

After a long discussion about the Tree Ordinance presented it was determined that under the Section 23-21 that the phrase "It shall be the duty of property owners who have street trees adjacent to their property to water and maintain the trees so as to ensure the trees survival and compliance



with the City's requirements for street trees. In addition, the property owners shall mow the grass on the boulevard as necessary to prevent the grass from reaching 5 inches in height" be eliminated from the Ordinance. A public notice on this Ordinance will be held on December 16, 2002 at the next City Commission meeting. Also an advertisement for Tree Board members will be put in the Livingston Enterprise for applications to be accepted.

4 in favor of first reading as amended of Ordinance No. 1919; Gregrey, Davis, Dahl and Blakeman, 1 opposed; Romans, Motion passed.

Motion was made by Romans, second by Dahl, to approve first reading of Ordinance No. 1920 and have a public hearing on December 16, 2002 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 1912 TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC), PROVIDING THAT FEE SCHEDULES SHALL BE ADOPTED BY REFERENCE AND ESTABLISHING A PENALTY FOR VIOLATION.** No discussion was given on this Ordinance. A public hearing will be held on this Ordinance on December 16, 2002 at the City Commission meeting.

Also an advertisement accepting applications for members for a City Planning Board will be put in the Livingston Enterprise.

All in favor of first reading of Ordinance No. 1920, Motion passed.

#### Resolutions:

Motion was made by Dahl, second by Gregrey, to bring off the table and approve Resolution No. 3340 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND AUTHORIZING CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH PARK COUNTY FOR URBAN DEVELOPMENT.** Sheryl Dahl asked about the map provided in the packet with this Resolution if this was the same map that was discussed at the October 23, 2002 Workshop for the Intergovernmental Agreement. Jim Woodhull stated that the map provided in the packet is the map from the Resolution adopting the annexation policy. The map would include the 2-mile radius sector around the City for the subdivision review by the City.

All in favor, Motion passed.

Lenny Gregrey gave a Committee report for the Detention Committee. He stated that the committee went down to the Safeway Building (former Montana Power Building) to see if this would be a possible site for a County Detention Center and felt that this was a very impressive piece of property. The County is going to get some architectural and engineering information to see if they could go forward with the development of a Detention facility on

this site. It is zoned industrial and there is enough property to get done what they need to get done and also have room for expansion. Sheryl Dahl asked if the Sheriff's office would be moved into the building and Lenny stated that would be something that the County would decide and that the structure itself and the vacant land that goes with the building is very attractive. Bob Ebinger of 128 South Yellowstone Street stated that he was involved with the Detention Committee tour of this building and felt that the existing offices spaces might be reformatted for the use of office spaces in addition to the Detention facility.

The City Manager's written comments were reviewed.

- Sheryl Dahl asked if the City Manager wanted any direction for the East Side School follow-up. Steve stated that he thought that if after all of the issues were viewed together and the Commission was comfortable with the recommended direction then he would put it on the next City Commission meeting agenda for action. It was a consensus of the City Commission to go forward with initiating an appraisal and a survey of the parking lot and to pursue the repair work that needs to be done in a timely manner.
- Ed Davis, Sr. asked about the School Resource Officer questioning if this should be maintained. Darren Raney stated that the teachers and the kids view the Officer on the School grounds as a positive influence. The School Resource Officer has developed a good rapport with the students and the teachers and feels that some problems have been resolved more efficiently due to the Officer being present.
- Lenny Gregrey asked about the punch list of the Old East Side School under 1949 Addition with the wording of the Gymnasium if "goofy" was a building term or was it just a quote. Steve Golnar stated that it was just a quote from Mr. Schneider.

Commissioner Davis had no comments.

Commissioner Romans had no comments.

Commissioner Dahl Comments:

- She made a comment about the Angel Line Van taking people to Bozeman for shopping. She stated that some people have stated to her that they do not like the fact that the Angel Line Van is funded by local tax dollars and that they shouldn't be making shopping trips to Bozeman. She stated that this is something that needs to be addressed and the Angel Line Board should set some kind of policy on out of town trips.
- She asked about the "Y" Intersection solution. She noted that there would not be a TCC meeting until February and she would like the State to be called to give us a solution to help traffic flow through the City of Livingston. Whether it would be a temporary traffic flow or what.

- She would like to see a list of City Boards that the City Commission approves at the first meeting of the New Year. She would like to see this list so that vacancies could be reviewed so that the decision of who was going to sit on a board could be decided at the first meeting in January 2003.

Commissioner Gregrey Comments:

- Commented on the Miles Building Restoration tour and that it was very impressive and that all should be proud of the work that was done in that building.

Chairman, Vicki Blakeman had no comments.

No Public comments were given.

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

The time was 9:00 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION

LIVINGSTON  
CITY COMMISSION MEETING  
December 16, 2002  
7:30 p.m.

The Livingston City Commission met in regular session on Monday, December 16, 2002, at 7:30 p.m. in the Community Room in the City/County Building. City Commissioners present were Sheryl Dahl, Thomas Romans, Vicki Blakeman, Ed Davis, Sr. and Lenny Gregrey.

Staff members present were Steve Golnar, Bruce Becker, Shirley Ewan, Darren Raney, Kevin Harrington, Jim Woodhull, Clint Tinsley and Pam Payovich.

Motion was made by Dahl, second by Gregrey, to approve the consent items as follows:

- A. Approve December 2, 2002 regular City Commission meeting minutes.
- B. Accept Bills and Claims for 2<sup>nd</sup> payment in December 2002.
- C. Department Heads monthly reports and other minutes.
- D. Approve Dan Sundling as Citizen Representative for the Infrastructure Committee.
- E. Accept Bids for Automated Garbage Collection System.
  1. Two Cab & Chassis - Tri-State Equipment - for a total of \$157,601.
  2. Two Automated Compactor Bodies - Solid Waste Systems - for a total of \$145,574.
  3. The recommendation for award to contractor, for containers will be made at the January 6, 2003 City Commission meeting after samples of containers have been viewed.

Sheryl Dahl asked about the Automated Garbage Collection System bid if the financing was already in place for an InterCap loan. Steve Golnar stated that the InterCap loan was already in place and that the City has \$648,643.00 available in cash to cover the two purchases of the Cab and Chassis and the two (2) Automated Compactor Bodies.

Lenny Gregrey asked about the bid on the two (2) Cabs and Chassis and the two (2) compactor bodies if this was the same company that demonstrated the automated system last June. Clint Tinsley stated that the two (2) Compactor Bodies were from the same company but that the two (2) Cabs and Chassis were not from the same company. Lenny also asked what the service contract would entail and Clint stated it would be same response time as the company which demonstrated in June because the company chosen has representatives out of Billings and Missoula. Lenny asked about the containers for the automation and wanted to know if there were smaller cans available for the 96 gallon cans. Clint stated that there would not be smaller

container's available. Lenny voiced concern about the elderly and handicapped people in the community particularly those with no alley access and would like to see smaller cans for these people or if the Public Works Department could consider special arrangements for these situations. Clint concluded that smaller cans in the Livingston area with the wind velocity is not a preferred solution and felt that special arrangements can be made for those people who need the assistance.

All in favor of consent items, Motion passed.

Variances:

Jim Woodhull gave background information of a variance request from Mr. Mike Chappell, owner of property described as Lots 10-12, Block B, Riverside Addition, located at the corner of "L" and East Park Street from both the front and side setback requirements for Highway Commercial zoning districts. Mr. Chappell wished to build a new building on these three corner lots, which would be even with the existing buildings on Park Street at approximately fifteen (15) feet from the front property line and build out to the side property line on "L" Street. Code requires a twenty (20) foot front setback and a ten (10) foot setback on a side adjacent to a street. Jim Woodhull concluded that based on the Findings of Fact section of this staff report, the City Zoning Administrator feels that it is appropriate for the Board of Adjustment to recommend that the City Commission approve this variance request.

Motion was made by Dahl, second by Gregrey, to approve the Findings of Fact of the variance request from Mr. Mike Chappell.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve the variance request from Mr. Mike Chappell.

All in favor, Motion passed.

Public Hearings of Ordinances:

Motion was made by Dahl, second by Gregrey, to approve second reading of Ordinance No. 1919 – **AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 23 OF THE LIVINGSTON MUNICIPAL CODE BY CREATING A CITY TREE BOARD AND REVISING THE CITY'S TREE ORDINANCE TO PROVIDE A COMPREHENSIVE PLAN FOR TREE PLANTING, MAINTENANCE AND REMOVAL AND BY PROVIDING A PENALTY FOR VIOLATION THEREOF.** Lenny Gregrey commented relating to the section 23-6 – "operation" – which said that "the Board shall make its own rules and regulations," noting that he was uncomfortable with this. Lenny Gregrey also commented on section 23-28 – "penalty" – which stated: "the amount not to

exceed \$300.00 for each violation" and "each day that the violation continues shall be deemed a separate and punishable violation". He stated that he felt this was too much for a fine for trees on a daily basis.

No action was taken.

Motion was made by Gregrey, second by Dahl, to amend section 23-28 - Penalty - of Ordinance No. 1919 to read "Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a civil fine not to exceed \$100.00 for each violation".

4 in favor; Dahl, Blakeman, Davis and Gregrey, 1 opposed; Romans, Motion passed.

Motion was made by Dahl, second by Davis, to amend section 23-6 - Operation - of Ordinance No. 1919 to read "The Board shall choose its own officers, make its own rules and regulations which shall be approved by the City Commission, and keep a journal of its proceedings".

4 in favor; Gregrey, Davis, Dahl and Blakeman, 1 opposed; Romans, Motion passed.

Motion was made by Davis, second by Dahl, to amend Ordinance No. 1919 section 23-2 - Creation and Establishment of a City Tree Board to read "There is hereby created and established an advisory board to the City Commission which will be known as the City Tree Board for the City of Livingston (Board) which shall consist of five members who are residents of this city or who live within 2 miles thereof, who shall be appointed by the Chairman with the approval of the Commission". Ron Nelson of 5178 US Hwy 89 South of Livingston stated that he lives a miles South of Hwy 89 of the City limits and feels very passionate about being a City Tree Board member and that he has been involved with the trees in the City for the last 13 years. David Jensen of 314 South "H" Street asked about amending the Ordinance No. 1919 to allow for citizens of the City's 4 ½ mile zoning district to be members of this Board. Steve Golnar stated that with the dissolution of the City/County Planning Board that there will still be a subdivision review area within a 2 mile distance from the City limits by the City.

4 in favor; Gregrey, Dahl, Davis and Blakeman, 1 opposed; Romans, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve second reading of Ordinance No. 1919 as amended.

4 in favor; Blakeman, Dahl, Gregrey and Davis, 1 opposed; Romans, Motion passed.

Motion was made by Dahl, second by Romans, to approve second reading of Ordinance No. 1920 – **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, REQUIRING ALL BUILDINGS TO COMPLY WITH THE BUILDING CODES AND AMENDING ORDINANCE NO. 1912 TO ADOPT BY REFERENCE THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC), PROVIDING THAT FEE SCHEDULES SHALL BE ADOPTED BY RESOLUTION AND ESTABLISHING A CIVIL PENALTY FOR VIOLATION.** No public comments were given. Mr. Davis commented on the penalty (section 6-7). He questions how relevant is the fine for the safety of the public when property owners doing their own upgrades. Bruce Becker, City Attorney stated that this Ordinance would only apply to future homeowners and those people who would buy a house and want to do remodeling. The penalty section is based on public life and safety issues and as the City Attorney, Bruce Becker stated that there may be those instances where there is a hazardous situation and the City needs to have the authority to make the determination to force people to comply. He felt that each situation should be handled separately and saw the need for penalties in this Ordinance.

Bob Ebinger of 128 South Yellowstone stated his clarification of the penalty section 6-7 of Ordinance No. 1920 that he understood this to read that the fine would not exceed more than \$300.00 and that it is at the discretion of the City Attorney to make these determinations.

Mr. Becker corrected that the Judge determines penalties subject to guidelines. The legislature (City Commission) sets maximum fees which can be assessed by the judiciary.

Thomas Romans stated that he feels that these hefty fines need to be initiated so that the people involved in building homes and remodeling them know what their limits are to abide with and respect the laws.

Lenny Gregrey asked about the building department requiring a certificate of survey on all new building construction and extensions to ensure that the construction is complying with the setback requirements. He knows of situations where foundations have been constructed in violation of setback requirements and feels that requiring a certificate of survey for anything that is going to require a setback would solve this problem. Jim Woodhull, City Planner summarized that this Ordinance does not allow or encourage the jurisdiction to do this. Jim went on to state that the current code under the 1997 Uniform Building Code specifically says that the City may, subject to the discretion of the building inspector, require a survey prior to giving a building permit.

Nat Robinson of 514 East Lewis Street stated that a certificate of survey doesn't necessary mean that a person won't totally violate the setback. Someone comes and surveys and puts in the stakes and the builder comes and builds off the property line then the property owner pays the fine. He stated that he felt that the burden of proof should be on the City.

Lenny Gregrey stated that property owners should have the responsibility of ensuring that setback requirements are met.

After much discussion among the Commission, Staff and the public it was decided to carry forward with this Ordinance.

All in favor of Ordinance No. 1920, Motion passed.

Resolutions:

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3341 – **A RESOLUTION OF THE LIVINGSTON CITY COMMISSION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SECOND AMENDED REVISED AND RESTATED WORKERS' COMPENSATION RISK RETENTION PROGRAM AGREEMENT ENTERED INTO BETWEEN THE MONTANA MUNICIPAL INSURANCE AUTHORITY AND THE CITY OF LIVINGSTON, MONTANA, DATED AS OF DECEMBER 1, 2002; AND AUTHORIZING THAT THE ADOPTION AND EXECUTION OF ANY AMENDMENT THERETO MAY BE MADE BY MOTION.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3342 – **A RESOLUTION OF THE LIVINGSTON CITY COMMISSION AUTHORIZING THE ADOPTION AND EXECUTION OF THE SECONED AMENDED AND RESTATED LIABILITY INSURANCE COVERAGE PROGRAM AGREEMENT ENTERED INTO BETWEEN THE MONTANA MUNICIPAL INSURANCE AUTHORITY AND THE CITY OF LIVINGSTON DATED AS OF DECEMBER 1, 2002; AND AUTHORIZING THAT THE ADOPTION AND EXECUTION OF ANY AMENDMENT THERETO MAY BE MADE BY MOTION.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3343 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR THE BUILDING OFFICIAL.** Lenny Gregrey commented that in the education section of the position description that there is a typographical error and suggested that "civic" engineering be changed to civil engineering. Mr. Gregrey asked about the "four or more years experience in the construction trades" and questioned in what capacity is this experience required? Jim Woodhull stated that a trade is like a professional carpenter, plumber, electrician, welder, etc.

Thomas Romans asked is the City trying to obtain the inspections for plumbing and electrical with this job description. Steve Golnar stated that the City is looking at expanding their role in providing inspections in plumbing and electrical. Having to have a certificate of survey should be at the discretion of the building official according to Mr. Romans.



All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3344 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ADOPTING POSITION DESCRIPTION FOR THE POSITION OF MAINTENANCE II/PUBLIC SERVICE EMPLOYEE.**

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to approve Resolution No. 3345 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH THE MISSOURI RIVER DRUG TASK FORCE FOR FISCAL YEAR 2003-2004.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3346 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO TRAFFIC SAFETY CONTRACT #:03-13(T) WITH THE MONTANA DEPARTMENT OF TRANSPORTATION.**

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3347 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CITY MANAGER TO ENTER INTO AGREEMENT WITH JODI LITCHFIELD FOR LANDSCAPING PROJECT FOR I-90 INTERCHANGE AND MEDIANS OF HIGHWAY 89 SOUTH AND BIKE PATH.** Thomas Romans asked if this will come from the CTEP funds and Steve Golnar stated that this project would come out of CTEP funds. Steve stated that he let the bidders know what the budget was for this project and asked them to develop a project that would fit into the budget.

4 in favor; Gregrey, Davis, Dahl and Blakeman, 1 opposed; Romans, Motion passed.

Motion was made by Dahl, second by Gregrey, to approve Resolution No. 3348 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING CHAIRMAN OF THE CITY COMMISSION TO SIGN CTEP PARTICIPATION FORM.**

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to approve Resolution No. 3349 – **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACKNOWLEDGING RECEIPT OF INDEPENDENT AUDITOR'S REPORT FOR FISCAL YEAR 2001-2002 AND DIRECTING THE**

**SUMMARY OF FINDINGS BE PUBLISHED.** Sheryl Dahl thanked Shirley Ewan and Staff for their work which resulted in a positive Audit report.

All in favor, Motion passed.

Action Items:

Motion was made by Dahl, second by Romans, to authorize reimbursement to Laura Bray of \$1,311.23 for work done on City Sewer main. Thomas Romans stated that the memo from Clint Tinsley, Public Works Director clearly states why the City should pay for this claim. Vicki Blakeman asked where this expense would come from and Clint Tinsley stated that this would come out of contract services in the Sewer Fund.

All in favor, Motion passed.

Motion was made by Dahl, second by Romans, to authorize payment of \$2,000.00 to the Park County Humane Society for acceptance and care of cats and initiate re-examination of contract with Humane Society for FY 2003-2004 and City Codes relating to cats. Steve Golnar stated that the Executive Director of the Humane Society, Ganay Johnson stated to him that initiating discussions on contracting with the Humane Society, early in 2003 would be fine with her.

Also direction was given to the City Manager, City Attorney and Staff to look at revising the Animal Control Ordinance and the Humane Society Contract.

All in favor, Motion passed.

Motion was made by Romans, second by Gregrey, to direct City Attorney to prepare a Resolution of Intent to discontinue a triangular piece of land on the East end of Crawford Street, which is entirely South of Lot 31, Block 22, Park Addition and is bordered on the West by a fence along the alley right of way. Also, to direct Staff to barricade the remaining City property from access from the alley. Jim Woodhull gave background information relating to this request and stated that the Development Review Committee (DRC) met and discussed this request and the DRC recommends approval of this street vacation (or discontinuation).

All in favor, Motion passed.

A short break was taken at 9:20 p.m.

The meeting went back in session at 9:27 p.m.

Four applications were received for the City Tree Board. Vicki Blakeman stated that she was happy to see people from the community volunteering their time to a City Board.

Thomas Romans stated that he would like to see two of these applicants appointed and have the other three appointed from the street department and the City government with another advertisement be put out to fill the remaining positions.

Vicki Blakeman, Chairman of the City Commission nominated all four (4) of the applicants to the City Tree Board.

Motion was made by Dahl, second by Davis, to approve the Chairman's nominations for appointment to the Tree Board.

No action was taken.

Steve Golnar stated that Section 23-2 of the Tree Ordinance provides that "the members shall come from different interest groups including homeowners, tree professionals, street department and City government". Bruce Becker stated that the Ordinance No. 1919 does not become effective for thirty (30) days.

Vicki Blakeman, Chairman, nominated members of the City Tree Board from the applicants received to be Ron Nelson, David Jensen and Kevin Toll.

Motion was made by Davis, second by Gregrey, to approve the Chairman's nominations for appointment to the City Tree Board. The City Commission concurred that someone in the City should be a representative on this Board and possibly a City Commissioner. A letter will be written to the applicant not chosen thanking him and encouraging his continued interest.

All in favor, Motion passed.

After much discussion of the East Side School follow-up, the City Commission directed Staff to prepare request for proposals (RFP's) for sale of 1902 East Side School and West Parking Lot with bids to be considered by the 2003 City Commission. Steve Golnar stated that the survey was completed by Dubiel Wells Associates and that the appraisal was done and completed by Kurt Holm. Steve also stated that his understanding was that the City wants to advertise Requests for Proposals because this would allow for the economic and community development option to be considered. Sheryl Dahl asked where the City was on the upkeep list of the Old East Side School and Steve Golnar stated that Clint Tinsley, Public Works Director is in contact with the contractor to get the immediate items done in a timely manner.

Motion was made by Dahl, second by Gregrey, to approve recommendation from the City Manager to direct the Public Works Director to send a letter to Skillings-Connolly Inc. telling them that their proposed price was not acceptable and asking them to lower the price not to exceed \$45,000 or the City will be forced to look elsewhere for engineering services. Steve Golnar

stated that the City would like this project to get constructed in the Spring of 2003 and that in order to meet this goal the City needs to get an Engineer on task.

All in favor, Motion passed.

Motion was made by Dahl, second by Gregrey to adopt the City Manager Performance Expectation Summary and Periodic Review Schedule.

All in favor, Motion passed.

The City Manager's written comments were reviewed.

- Lenny Gregrey stated that he would like to reiterate that he felt that the City's liability and expense for repair or replacement of existing sidewalks is the same as sewer and water and the costs should not be applied to the individual property owner.
- Sheryl Dahl wanted to compliment Police Captain Lussier and Officer Harmon for receiving accommodations for domestic arrest and investigation.
- Thomas Romans asked about the Angel Line Van "Trips Out of Town Policy Letter" if there was a consensus from the Commission to request this and re-design the Angel Line Van Policy. It was stated by fellow Commissioners that the consensus was to just clarify the Angel Line Van "Trips Out of Town Policy" from Angel Line in writing.
- Sheryl Dahl asked if the 1<sup>st</sup> meeting in January could possibly start earlier in the evening rather than 7:30 p.m. The Commission discussed this and determined to leave the starting time at 7:30 p.m.

Commissioner Davis Comments:

- He explained his feeling on the Building Ordinance and it boils down to what some people do that don't get noticed and wanted to make it clear that he wants public safety.

Commissioner Romans had no comments.

Commissioner Dahl Comments:

- She stated that she was curious about Rick D'Hooge contract and would like to see some follow-up and to keep the Commission on track.
- She asked about the Y-Intersection Status and wanted to know if Steve had talked to the State yet and would like to see follow-up by the first meeting in January.
- She asked about the status of the impound lot being moved.
- She asked when would the City be approving the Entranco Plan. Steve stated that he is scheduling approval for the 2<sup>nd</sup> meeting in January.
- She asked about the Interlocal Agreement with the County and the Ambulance if this was going to be on the first meeting in January or

not. Steve stated that he hopes to have it by the 2<sup>nd</sup> meeting in January. He will report back to the City Commission.

- She stated on the November 22, 2002 memo on the Agenda Guidelines commented that the City Manager's follow-up is not on this.
- She concluded by wishing everyone a "Merry Christmas".

Commissioner Gregrey Comments:

- He stated that he had received a phone call from Miss Nancy Gosted who lives at 714 East Lewis Street who stated that the comments from the City Commission on the Angel Line Van going to Bozeman and the restrictions that the Commission was putting on Senior Citizens was like keeping them locked up in their homes. She indicated that users that go on the Angel Line Van to Bozeman pay \$5.00 for every trip and that senior citizens are taxpayers too. He assured her that the Commission was sympathetic to Senior Citizens and encourage her to take advantage of that trip to Bozeman and he told her that he was one of them.
- He commented about the City has been operating with the 4<sup>th</sup> Ambulance for 12 months and he expects to see a report that indicates how this 4<sup>th</sup> Ambulance is either adding to or lessening the deficit that the Ambulance service operates with. He would like to see some attention to the City Motor Pool for the upcoming Budget Session. He stated that the City has a lot of vehicles and would like to see a spreadsheet that lists the vehicles by every department and who operates them and what the vehicle is being operated for.
- He also wished everyone a "Merry Christmas and a Happy New Year".

Chairman, Vicki Blakeman Comments:

- She commented on the "Y" situation that she is still looking for the Downtown signs from MDT.
- She wanted to know how the Water Building clean-up status was. Clint Tinsley stated that the bars are up and that hopefully next month they would start the clean-up process.

No public comments were given.

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

The time was 10:00 p.m.

ATTEST:

APPROVED:

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Pam Payovich  
RECORDING SECRETARY

\_\_\_\_\_  
Vicki Blakeman  
CHAIRMAN, CITY COMMISSION