



Livingston City Commission Agenda

August 16, 2016

6:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

3. Moment of Silence

4. Pledge of Allegiance

5. Consent Items

- A. CONSENT - Approve Minutes from 8.2.16 Regular Commission Meeting Page 5
- B. CONSENT - Approve Bills and Claims 1st Half August 2016 Page 9
- C. CONSENT - Ratify Claims 2nd Half of August FY17 Page 19
- D. CONSENT - Approve Mary Beebe re-appointment to City/County Board of Health Page 23
- E. CONENT - Approve Urban Renewal Agency Funding for final payment of \$1,100 for power washing expenses
- F. CONSENT - Approve Urban Renewal Agency funding for downtown mural up to the amount of \$6,225

6. Proclamations

7. Scheduled Public Comment

8. Public Hearings

- A. RESOLUTION NO. 4689 - A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COSTS WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING. Page 25

B. RESOLUTION NO. 4690 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

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C. RESOLUTION NO. 4691- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.

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D. RESOLUTION NO. 4692 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER.

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9. Ordinances

10. Resolutions

A. RESOLUTION NO. 4683 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AN AMENDED AND UPDATED POLICY AND PROCEDURES MANUAL FOR CITY EMPLOYEES.

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B. RESOLUTION NO. 4694 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO DISCONTINUE THE RIGHT-OF-WAY IN THE 400 BLOCK OF NORTH 10TH STREET IN THE CITY OF LIVINGSTON, MONTANA.

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C. RESOLUTION NO. 4688 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2016- 2017 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.

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11. Action Items

A. DISCUSS/APPROVE/DENY - REQUEST FROM SCHOOL DISTRICT FOR SUPPORT FOR SCHOOL NURSE PARTNERSHIP

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B. DISCUSS/APPROVE/DENY -- REVISING CITY COMMISSION'S POLICY ON SPENDING SKILLMAN BEQUEST INTEREST AND PRINCIPAL Page 79

C. DISCUSS/APPROVE/DENY -- REPAYMENT OF FUNDS LOANED FROM SKILLMAN BEQUEST ACCOUNT

12. City Manager Comment

13. City Commission Comments

14. Public Comments

Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).

15. Adjournment

Calendar of Events

August 11, 2016 - 9:00 a.m. - noon - City Commission Special Meeting regarding City Manager applications, Community Room, City/County Complex

August 15, 2016 - 4:30 p.m. - City/County Compact Meeting, East Room, City/County Complex

August 16, 2016 - 6:30 p.m. - City Commission Meeting - Community Room, City/County Complex

August 17, 2016 - 8:30 a.m. - Urban Renewal Agency Meeting - East Room, City/County Complex

August 17, 2016 - 5:00 p.m. Planning Committee Meeting - Community Room, City/County Complex

August 24, 2016 - 6:30 p.m. Parks and Trails Committee - Community Room, City/County Complex

August 25, 2016 - National Park Services Centennial Celebration

September 1, 2016 - 6:00 p.m. Economic Development Meeting

September 5, 2016 Labor Day - City Offices Closed

September 6, 2016 - 6:30 p.m. City Commission Meeting - Community Room, City/County Complex

September 7, 2016 - 1:00 p.m. Active Transportation Coalition, East

Room, City/County Complex

**September 7, 2016 - 4:00 p.m. City/County Joint Meeting - MSU Extension, 119
South 3rd Street**

Supplemental Material

Monthly Report for LPD - July 2016

Public Works Monthly Update July 2016

Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.
- **Special Accommodation:** If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.

Backup material for agenda item:

A. CONSENT - Approve Minutes from 8.2.16 Regular Commission Meeting

MINUTES

Livingston City Commission

Tuesday, August 2, 2016

6:30 p.m.

City- County Complex, Community Room

1. Call to Order Roll Call

- Bennett, Hoglund, Friedman, Schwarz and Sandberg were present.

2. Moment of Silence

3. Pledge of allegiance

4. Consent Items (00:01:40)

A. CONSENT - Approve Minutes from 7.19.16 Regular Commission Meeting

B. CONSENT - Approve Bills and Claims 2nd Half of July 2016

- Hoglund made a motion to approve Consent Items A and B. Friedman seconded.
 - All in favor, motion passed 5-0.

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

A. PUBLIC HEARING ON RESOLUTION NO. 4685 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, APPROVING AND ADOPTING THE FINAL BUDGET IN THE AMOUNT OF \$\$16,540,758 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2016, AND ENDING JUNE 30, 2017, (FY2016-2017), AND MAKING APPROPRIATIONS AND ESTABLISHING SPENDING LIMITS AND AUTHORIZING TRANSFER OF APPROPRIATIONS WITHIN THE SAME FUND.

(00:02:22)

- Friedman made a motion to pass Resolution No. 4685. Hoglund seconded.
 - All in favor, motion passed 5-0.

B. PUBLIC HEARING ON RESOLUTION NO. 4686 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING AND IMPROVING STREETS AND ALLEYS IN FURTHERANCE OF THE FIVE- YEAR CAPITAL IMPROVEMENT PLAN FOR STREET MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2016-2017 IN THE ESTIMATED AMOUNT OF \$965,965, WHICH IS A 2% INCREASE FROM THE PRIOR FISCAL YEAR AND LEVYING AND ASSESSING 100% THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT. (00:04:14)

- Schwarz made a motion to pass Resolution No. 4686. Friedman seconded.
 - All in favor, motion passed 5-0.

8. Ordinances

9. Resolutions

A. RESOLUTION NO. 4687 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA IMPOSING A TEMPORARY BAN ON OUTDOOR BURNING WITHIN THE CORPORATE LIMITS OF THE CITY OF LIVINGSTON, MONTANA. (00:08:00)

- Friedman made a motion to pass Resolution No. 4687. Hoglund seconded.
 - All in favor, motion passed 5-0.

10. Action Items

A. DISCUSS/APPROVE/DENY -- REQUEST FROM NORTHERN ROCKY MOUNTAIN ECONOMIC DEVELOPMENT DISTRICT (ROB GILMORE) FOR INCREASED FUNDING (00:19:10)

- Action Item A tabled until next City Commission meeting.

B. DISCUSS/APPROVE/DENY – PRESENTATION FROM PLANNING BOARD (00:19:28)

C. DISCUSS/APPROVE/DENY -- SCHEDULING SPECIAL MEETING TO REVIEW CITY MANAGER APPLICATIONS (00:31:06)

- Meeting scheduled for August 11, 2016, 9:00 a.m. - noon

C.1. DISCUSS/APPROVE/DENY – LETTER TO UNITED STATES ENVIRONMENTAL PROTECTION AGENCY EXPRESSING SUPPORT FOR PARK COUNTY’S EFFORT TO OBTAIN A US ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS AREA-WIDE GRANT. (00:37:28)

- Katie Weaver made comments (00:42:06)
- Patricia Grabow made comments (00:59:11)
- Jeff Dickerson made comments (01:06:23)
- Hoglund made a motion to approve Action Item C.1. Schwarz seconded.
 - Motion passed 4-1. Sandberg opposed.

D. DISCUSS/APPROVE/DENY -- LITIGATION UPDATE FROM CITY ATTORNEY (CLOSED TO THE PUBLIC PURSUANT TO MONT. CODE ANN. 2-3-203(4)(A)). (01:19:56)

- Liz Kearney made comments (01:21:15)
- Closed session began (01:22:00); Open session resumed (02:05:15)

E. DISCUSS/APPROVE/DENY – GENERAL SETTLEMENT AGREEMENT AND RELEASE COVERING MONTANA PUBLIC EMPLOYEES ASSOCIATION (MPEA) AND MATTHEW F. TUBAUGH GRIEVANCE. (02:05:40)

- Friedman made a motion to approve Action Item E. Schwarz seconded.
 - All in favor, motion passed 5-0.

12. City Manager Comment (02:09:21)

13. City Commission Comments

- Sandberg made comments (02:12:00)
- Schwarz made comments (02:16:03)
- Friedman made comments (02:16:40)
- Hoglund made comments (02:20:14)
- Bennett made comments (02:25:37)

14. Public Comments

15. Adjournment 9:02 p.m. (02:31:18)

Backup material for agenda item:

B. CONSENT - Approve Bills and Claims 1st Half August 2016

08/09/16
13:21:33

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

Page: 1
Report ID: AP100Z

For doc #s from 29001 to 29014, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	410130 CITY COMMISSION	2939 PARK COUNTY IT	Qtrly IT Support	468.00
1000 GENERAL	410400 CITY MANAGER	2939 PARK COUNTY IT	Qtrly IT Support	468.00
1000 GENERAL	410540 FINANCE OFFICER	2939 PARK COUNTY IT	Qtrly IT Support	468.00
1000 GENERAL	410550 ACCOUNTING	2939 PARK COUNTY IT	Qtrly IT Support	1,170.00
1000 GENERAL	411030 PLANNER	2939 PARK COUNTY IT	Qtrly IT Support	327.60
1000 GENERAL	411030 PLANNER	272 PARK COUNTY	Quarterly Payment -G	13,434.50
1000 GENERAL	411100 CITY ATTORNEY	2939 PARK COUNTY IT	Qtrly IT Support	468.00
1000 GENERAL	411230 FACILITY MAINTENANCE	272 PARK COUNTY	Quarterly Payment -M	4,068.50
1000 GENERAL	411700 CENTRAL STORES	2939 PARK COUNTY IT	Qtrly IT Support	880.00
1000 GENERAL	411700 CENTRAL STORES	2939 PARK COUNTY IT	Qtrly IT Support	1,250.00
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Office supplies	8.43
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Office supplies	67.62
1000 GENERAL	420100 OPERATING ACCOUNT	2939 PARK COUNTY IT	Qtrly IT Support	4,446.00
1000 GENERAL	420400 OPERATING ACCOUNTS	2939 PARK COUNTY IT	Qtrly IT Support	1,404.00
1000 GENERAL	420403 BUILDING INSPECTION	2939 PARK COUNTY IT	Qtrly IT Support	374.40
1000 GENERAL	430950 ROAMING OPERATING	2939 PARK COUNTY IT	Qtrly IT Support	702.00
1000 GENERAL	440110 SANITARIAN-CITY/COUNTY	272 PARK COUNTY	Quarterly Payment -	8,068.75
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	509 DELTA SIGNS & GRAPHICS	Rattlesnake signs	140.00
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	2939 PARK COUNTY IT	Qtrly IT Support	234.00
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	Sprinkler	23.97
1000 GENERAL	460430 PARKS OPERATING	3629 UPBEAT, INC.	Grills	1,008.56
1000 GENERAL	460442 CIVIC CENTER ADMIN	2939 PARK COUNTY IT	Qtrly IT Support	936.00
1000 GENERAL	460442 CIVIC CENTER ADMIN	3184 MASTERCARD	AmazonWall Mount Dri	1,931.00
Total for Fund:				42,347.33
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	2939 PARK COUNTY IT	Qtrly IT Support	1,872.00
Total for Fund:				1,872.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	1390 KEN'S EQUIPMENT REPAIR,	Unit #685 Maintenanc	135.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	2939 PARK COUNTY IT	Qtrly IT Support	234.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	3608 REECE DISTRIBUTING	Safety Glasses	134.85
Total for Fund:				503.85
5210 WATER OPERATING	430515 WATER SERVICES	2939 PARK COUNTY IT	Qtrly IT Support	702.00
Total for Fund:				702.00
5310 SEWER OPERATING	430625 SEWER SERVICES	2939 PARK COUNTY IT	Qtrly IT Support	702.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	2939 PARK COUNTY IT	Qtrly IT Support	210.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	1390 KEN'S EQUIPMENT REPAIR,	Roll Off	90.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	28 MONTANA SEALS & PACKING	Pump Repair	1,195.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	33 NORTH CENTRAL	Autoclave	5,116.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	1 TECH ELECTRIC, INC	Repair pump	65.00
Total for Fund:				7,378.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	2939 PARK COUNTY IT	Qtrly IT Support	1,170.00
5410 SOLID WASTE	430840 DISPOSAL	2731 MONTANA WASTE SYSTEMS,	Transfer Fees	68,790.74

08/09/16
13:21:33

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 6/16

For doc #s from 29001 to 29014, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
			Total for Fund:	69,960.74
5510 AMBULANCE SERVICES	420710 AMBULANCE ADMINISTRATION	2939 PARK COUNTY IT	Qtrly IT Support	702.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	June MedWrite bill	3,422.57
			Total for Fund:	4,124.57
7910 PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	2175 FUHS, ALBERT T.	Flex Account	549.91
			Total for Fund:	549.91
			Total:	127,438.40

For doc #s from 29634 to 29732, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	PH -chwechtenber	72.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	PH - Lisa West	51.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Comm - Meeting	38.50
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Manager Positio	27.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Manager Positio	27.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Manager Positio	27.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Manager Positio	27.00
1000 GENERAL	410130 CITY COMMISSION	146 LIVINGSTON ENTERPRISE	City Manager Positio	27.00
1000 GENERAL	410400 CITY MANAGER	3184 MASTERCARD	Indeed Employment Po	351.42
1000 GENERAL	410400 CITY MANAGER	3184 MASTERCARD	Facebook Post Red Fl	12.76
1000 GENERAL	410550 ACCOUNTING	3184 MASTERCARD	Budget Training Reg.	70.00
1000 GENERAL	410550 ACCOUNTING	3184 MASTERCARD	Food - Budget worksh	33.18
1000 GENERAL	410550 ACCOUNTING	3248 AGENDA PAL	Subscription Service	150.00
1000 GENERAL	411030 PLANNER	3417 RON AND SONS PAINTING	Weed Removal	800.00
1000 GENERAL	411030 PLANNER	879 VERIZON WIRELESS	Planning	13.27
1000 GENERAL	411030 PLANNER	3184 MASTERCARD	B&B, Green Products	43.46
1000 GENERAL	411030 PLANNER	3298 EXEC U CARE SERVICES,	PW Cleaning	80.00
1000 GENERAL	411030 PLANNER	468 LIVINGSTON FIRE SERVICE,	Annual Maint	30.20
1000 GENERAL	411100 CITY ATTORNEY	3529 KASTING,KAUFFMAN & MERSEN	Professionals Servic	352.55
1000 GENERAL	411100 CITY ATTORNEY	2823 WEST PAYMENT CENTER -	July Law charges	275.56
1000 GENERAL	411230 FACILITY MAINTENANCE	509 DELTA SIGNS & GRAPHICS	Busness Office Signa	65.00
1000 GENERAL	411230 FACILITY MAINTENANCE	3298 EXEC U CARE SERVICES,	July Office Cleaning	1,119.42
1000 GENERAL	411230 FACILITY MAINTENANCE	63 HOUSE OF CLEAN	37% Janitorial Suppl	76.76
1000 GENERAL	411230 FACILITY MAINTENANCE	63 HOUSE OF CLEAN	37% Janitorial Suppl	40.10
1000 GENERAL	411230 FACILITY MAINTENANCE	102 INDUSTRIAL TOWEL	Rug Maintenance	21.94
1000 GENERAL	411230 FACILITY MAINTENANCE	468 LIVINGSTON FIRE SERVICE,	Extinguishers Annual	26.85
1000 GENERAL	411230 FACILITY MAINTENANCE	272 PARK COUNTY	37% Maintenance supp	97.21
1000 GENERAL	411230 FACILITY MAINTENANCE	2501 D.W. BURNS PLUMBING &	37% Replace Plbg und	193.63
1000 GENERAL	411230 FACILITY MAINTENANCE	3023 RICK'S REFRIGERATION,	37% A/C repairs	59.20
1000 GENERAL	411230 FACILITY MAINTENANCE	1658 KONE INC.	37% Elevator Maintea	285.55
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	272 PARK COUNTY	City phones	123.08
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	879 VERIZON WIRELESS	Central	76.47
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	879 VERIZON WIRELESS	Central	68.65
1000 GENERAL	411300 CENTRAL COMMUNICATIONS	162 CENTURYLINK	Finance office l10 S	378.17
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Budget Dividers	185.00
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Postage	50.00
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Pens & Labels	43.01
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Mailing seals	58.92
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Can Liners	56.85
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Varidesk - 2	790.00
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Office supplies, ban	355.38
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Stamps. com	24.99
1000 GENERAL	411700 CENTRAL STORES	3184 MASTERCARD	Binding combs	34.02
1000 GENERAL	411700 CENTRAL STORES	1783 J & H OFFICE EQUIPMENT	Canon copier lease	213.00
1000 GENERAL	411700 CENTRAL STORES	292 UPS STORE #2420, THE	Evident shipping	9.71
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DISTRIBUTING	Diesel Fuel, 340 gal	676.86
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DISTRIBUTING	Diesel Fuel, 212 gal	425.47
1000 GENERAL	411700 CENTRAL STORES	3353 STORY DISTRIBUTING	Diesel Fuel, 371 gal	722.13
1000 GENERAL	420100 OPERATING ACCOUNT	2426 GRANITETCS, INC	33% IT Support Law E	63.00
1000 GENERAL	420100 OPERATING ACCOUNT	146 LIVINGSTON ENTERPRISE	Sex Offender - Eugen	46.80
1000 GENERAL	420100 OPERATING ACCOUNT	146 LIVINGSTON ENTERPRISE	Sex Offender - Eugen	46.80
1000 GENERAL	420100 OPERATING ACCOUNT	272 PARK COUNTY	Police Phone	72.76

08/09/16
13:43:51

CITY OF LIVINGSTON
Claim Approval by Fund, Account
For the Accounting Period: 8/16

Page: 2
Report ID: AP100Z

For doc #s from 29634 to 29732, Operating Cash

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	420100 OPERATING ACCOUNT	3184 MASTERCARD	Motel, training - Su	160.88
1000 GENERAL	420100 OPERATING ACCOUNT	1920 HORIZON AUTO PARTS	Battery - Speed Trai	129.99
1000 GENERAL	420100 OPERATING ACCOUNT	3010 EMANUAL, ANDREW	Reimburse travel exp	272.85
1000 GENERAL	420100 OPERATING ACCOUNT	3579 SULLIVAN, PATRICK	Travel expense - Bil	87.83
1000 GENERAL	420100 OPERATING ACCOUNT	90 COLMEY VETERINARY	K-9 Exam, Medical Ra	129.63
1000 GENERAL	420100 OPERATING ACCOUNT	90 COLMEY VETERINARY	K-9 Exam, Medical Ra	283.90
1000 GENERAL	420100 OPERATING ACCOUNT	3237 WHISTLER TOWING, LLC	Stolen Vehicle recov	150.00
1000 GENERAL	420100 OPERATING ACCOUNT	2671 COMDATA	July fuel	1,205.22
1000 GENERAL	420100 OPERATING ACCOUNT	3376 TRANSUNION RISK &	Investigative search	25.00
1000 GENERAL	420100 OPERATING ACCOUNT	3371 BALCO UNIFORM COMPANY,	Ear piece insert - W	19.05
1000 GENERAL	420400 OPERATING ACCOUNTS	272 PARK COUNTY	Fire 50% phones	44.07
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Station supplies	6.13
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Station supplies	17.53
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Fuel can	8.99
1000 GENERAL	420400 OPERATING ACCOUNTS	2666 MUNICIPAL EMERGENCY	Helmet shield	56.50
1000 GENERAL	420400 OPERATING ACCOUNTS	54 GATEWAY OFFICE SUPPLY	Office supplies	11.78
1000 GENERAL	420400 OPERATING ACCOUNTS	54 GATEWAY OFFICE SUPPLY	Office supplies	14.95
1000 GENERAL	420400 OPERATING ACCOUNTS	54 GATEWAY OFFICE SUPPLY	Office supplies	9.87
1000 GENERAL	420400 OPERATING ACCOUNTS	468 LIVINGSTON FIRE SERVICE,	Annul Maintenance	300.00
1000 GENERAL	420400 OPERATING ACCOUNTS	1814 SPECIAL LUBE	Oil Change C2	40.00
1000 GENERAL	420400 OPERATING ACCOUNTS	2595 TOWN & COUNTRY FOODS -	Station supplies	26.99
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	161.99
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	76.09
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire Chief	70.63
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Recuse	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Recuse	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	879 VERIZON WIRELESS	Fire & Recuse	42.52
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Subscription	51.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	MSFCA Membership	150.00
1000 GENERAL	420400 OPERATING ACCOUNTS	3184 MASTERCARD	Wildland gloves	53.97
1000 GENERAL	420400 OPERATING ACCOUNTS	22 ALL SERVICE TIRE &	Cmd 2 tires	400.00
1000 GENERAL	420400 OPERATING ACCOUNTS	1390 KEN'S EQUIPMENT REPAIR,	Rl Starter	342.00
1000 GENERAL	420400 OPERATING ACCOUNTS	999999 TRUCK & AUTO CUSTOMS	Headlight repair	60.00
1000 GENERAL	420400 OPERATING ACCOUNTS	26 LIVINGSTON ACE HARDWARE -	Smoke detector	29.95
1000 GENERAL	420400 OPERATING ACCOUNTS	2862 PRAHL, TORSTEN	Tuition Reimb 50%	1,197.50
1000 GENERAL	420403 BUILDING INSPECTION	879 VERIZON WIRELESS	Code Enforcement	22.98
1000 GENERAL	420403 BUILDING INSPECTION	879 VERIZON WIRELESS	Building dept	19.56
1000 GENERAL	420403 BUILDING INSPECTION	879 VERIZON WIRELESS	Building dept	0.00
1000 GENERAL	420403 BUILDING INSPECTION	2671 COMDATA	Building	111.11
1000 GENERAL	430930 CEMETERY OPERATING	26 LIVINGSTON ACE HARDWARE -	Nipples	4.77
1000 GENERAL	430930 CEMETERY OPERATING	22 ALL SERVICE TIRE &	Mount tire	12.00
1000 GENERAL	430930 CEMETERY OPERATING	23 CARQUEST AUTO PARTS	Brake Fluid	4.68
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Cemtery	43.82
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Roaming crew - Jones	22.98
1000 GENERAL	430950 ROAMING OPERATING	879 VERIZON WIRELESS	Parks	22.98
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	Drinking Fountain	4,239.95
1000 GENERAL	430950 ROAMING OPERATING	3184 MASTERCARD	B&B, Green Products	43.47
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	11.27
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	25.98
1000 GENERAL	430950 ROAMING OPERATING	26 LIVINGSTON ACE HARDWARE -	Supplies	13.69
1000 GENERAL	430950 ROAMING OPERATING	2671 COMDATA	Parks	544.20

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 GENERAL	430950 ROAMING OPERATING	2087 WISPWEST.NET	Internet CC Shop	44.95
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	879 VERIZON WIRELESS	Animal Control	64.48
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	3184 MASTERCARD	2017 Dog tags	241.35
1000 GENERAL	440640 ANIMAL CONTROL SERVICES	2671 COMDATA	Code Enforcement	90.79
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	- Varnish	21.99
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	- Return	-21.99
1000 GENERAL	460430 PARKS OPERATING	26 LIVINGSTON ACE HARDWARE	- Varnish	54.99
1000 GENERAL	460430 PARKS OPERATING	63 HOUSE OF CLEAN	Supplies	1,341.76
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3184 MASTERCARD	SwimOutlet.com Refun	-63.97
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	26 LIVINGSTON ACE HARDWARE	- Door stop	4.49
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3357 ADVANCED TECHNOLOGY	Chlorine	720.00
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	3630 VORTEX USA INC.	rELAY	92.48
1000 GENERAL	460445 SWIMMING POOL AND SPLASH	2087 WISPWEST.NET	Internet Pool	44.95
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	Rec. dept	140.64
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	Rec. dept	0.00
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	ATS	47.10
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	ATS	61.60
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	ATS	93.62
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	879 VERIZON WIRELESS	City Pool	33.50
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Amazon Supplies	17.99
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Amazon Supplies	39.97
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Amazon Supplies	51.90
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Amazon Supplies	25.40
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	US Post Office	17.76
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Amazon Supplies	14.99
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Fraud to be reimburs	128.04
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Fraud to be reimburs	1.41
1000 GENERAL	460449 ADMINISTRATIVE SERVICES	3184 MASTERCARD	Supplies	5.36
1000 GENERAL	510331 OTHER UNALLOCATED COSTS	2106 MOUNTAIN MOBILE AUTO	Rear door glass	265.00
Total for Fund:				23,503.99
2190 COMPREHENSIVE LIABILITY	510330 COMP LIABILITY INSURANCE	2727 MMIA - LIABILITY PROGRAM	Liability Assessment	135,084.00
Total for Fund:				135,084.00
2211 SOCCER FIELDS	411810 CAPITAL IMPROVEMENTS	122 DEPARTMENT OF REVENUE	1½ Spring	1,264.83
2211 SOCCER FIELDS	411810 CAPITAL IMPROVEMENTS	3599 SPRING CORPORATION	LYSA	125,218.17
Total for Fund:				126,483.00
2212 SUMMERFEST	460420 SUMMERFEST	1979 FILMLITES MONTANA,LLC	Generator - Summerfe	400.00
2212 SUMMERFEST	460420 SUMMERFEST	3184 MASTERCARD	Facebook Ads	50.03
2212 SUMMERFEST	460420 SUMMERFEST	3184 MASTERCARD	MT Party Rentals	287.00
2212 SUMMERFEST	460420 SUMMERFEST	3184 MASTERCARD	Band Lodging YPL	327.40
2212 SUMMERFEST	460420 SUMMERFEST	3184 MASTERCARD	MT Party Rentals Dep	-200.00
Total for Fund:				864.43
2220 LIBRARY	460100 LIBRARY SERVICES	122 DEPARTMENT OF REVENUE	1½ Misc. Tax Library	173.98
2220 LIBRARY	460100 LIBRARY SERVICES	146 LIVINGSTON ENTERPRISE	Vacancy - Library Bo	99.00
2220 LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Stamps.com	55.30

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2220 LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	USPS Postage	100.00
2220 LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	Stamps.com	15.99
2220 LIBRARY	460100 LIBRARY SERVICES	3184 MASTERCARD	1 DVD	22.99
Total for Fund:				467.26
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	3449 LEAF	Lease Kyocera Copier	38.12
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	272 PARK COUNTY	Dispatch	36.58
2300 COMMUNICATIONS/DISPATCH	420160 DISPATCH/COMMUNICATIONS	879 VERIZON WIRELESS	Dispatch	30.11
Total for Fund:				104.81
2310 TAX INCREMENT DISTRICT -	470300 ECONOMIC DEVELOPMENT	146 LIVINGSTON ENTERPRISE	URA Mtg	60.00
Total for Fund:				60.00
2400 LIGHT MAINTENANCE	420100 OPERATING ACCOUNT	948 BRIDGER ELECTRIC, INC.	SL Repair	1,233.20
Total for Fund:				1,233.20
2500 STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	879 VERIZON WIRELESS	Street	35.64
2500 STREET MAINTENANCE	430220 FACILITIES/CITY SHOP	879 VERIZON WIRELESS	Street	63.31
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	3184 MASTERCARD	B&B, Green Products	43.47
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Supplies	14.98
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Supplies	15.55
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Supplies	8.99
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Supplies	31.74
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Guard	31.99
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	26 LIVINGSTON ACE HARDWARE	- Trash Can	19.99
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Supplies	41.78
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Supplies	285.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Cut Tip	45.18
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Return	-45.18
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Supplies	214.99
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Supplies	219.16
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Adapter	12.12
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Supplies	73.10
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	23 CARQUEST AUTO PARTS	Chain Pullers	289.98
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	2671 COMDATA	Streets	350.25
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	3298 EXEC U CARE SERVICES,	PW Cleaning	80.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	3574 HD Supply Waterworks, LTD	Supplies	883.74
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	1390 KEN'S EQUIPMENT REPAIR,	Sweeper	776.75
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	1390 KEN'S EQUIPMENT REPAIR,	Sweeper	1,718.65
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	1390 KEN'S EQUIPMENT REPAIR,	Sweeper	549.60
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	2863 KIMBALL MIDWEST	Supplies	859.67
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	2863 KIMBALL MIDWEST	Supplies	185.31
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	10 MOBILE REPAIR & WELDING,	Plate	177.14
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	10 MOBILE REPAIR & WELDING,	Fab Frame	92.04
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	12 NORMONT EQUIPMENT	Supplies	12,230.00
2500 STREET MAINTENANCE	430240 STREET DEPARTMENT	3472 UTILITIES UNDERGROUND	811	37.68

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
Total for Fund:				19,342.62
2820 GAS TAX	341011 SALE OF MISC ITEMS	999999 CHRIS BETTS	Refund 1 handicap pa	50.00
2820 GAS TAX	430240 STREET DEPARTMENT	2904 FISHER SAND AND GRAVEL	Concrete	748.00
2820 GAS TAX	430240 STREET DEPARTMENT	8 KNIFE RIVER	Cold Mix	615.75
2820 GAS TAX	430240 STREET DEPARTMENT	12 NORMONT EQUIPMENT	Paint	530.40
2820 GAS TAX	430240 STREET DEPARTMENT	12 NORMONT EQUIPMENT	Paint	663.00
Total for Fund:				2,607.15
5210 WATER OPERATING	343021 METERED WATER SALES	999999 ANDERSON, SHERRY	Overpayment on Acct.	152.48
5210 WATER OPERATING	430510 WATER ADMINISTRATION	3184 MASTERCARD	Walmart	43.47
5210 WATER OPERATING	430510 WATER ADMINISTRATION	468 LIVINGSTON FIRE SERVICE,	Annual Maint	30.20
5210 WATER OPERATING	430510 WATER ADMINISTRATION	112 MONTANA RAIL LINK	600224	100.00
5210 WATER OPERATING	430510 WATER ADMINISTRATION	112 MONTANA RAIL LINK	600223	100.00
5210 WATER OPERATING	430510 WATER ADMINISTRATION	112 MONTANA RAIL LINK	600129	100.00
5210 WATER OPERATING	430510 WATER ADMINISTRATION	112 MONTANA RAIL LINK	600065	568.00
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water Cell	23.04
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water Cell	238.97
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water Cell	11.44
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water Cell 1/2	24.77
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water 1/2	28.62
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water 1/2	0.00
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Water 1/2	40.03
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Public works eng	59.03
5210 WATER OPERATING	430515 WATER SERVICES	879 VERIZON WIRELESS	Cain	42.52
5210 WATER OPERATING	430515 WATER SERVICES	3184 MASTERCARD	Costco	89.74
5210 WATER OPERATING	430515 WATER SERVICES	3184 MASTERCARD	Phone Accessories,pl	169.13
5210 WATER OPERATING	430515 WATER SERVICES	26 LIVINGSTON ACE HARDWARE -	Supplies	56.35
5210 WATER OPERATING	430515 WATER SERVICES	22 ALL SERVICE TIRE &	Tube & install	13.00
5210 WATER OPERATING	430515 WATER SERVICES	2671 COMDATA	Water	580.76
5210 WATER OPERATING	430515 WATER SERVICES	3472 UTILITIES UNDERGROUND	811	37.68
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	3298 EXEC U CARE SERVICES,	PW Cleaning	80.00
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	2705 CITY OF LIVINGSTON	Straw	20.00
5210 WATER OPERATING	430520 FACILITIES/CAPITAL OUTLAY	2705 CITY OF LIVINGSTON	O rings	1.77
Total for Fund:				2,611.00
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	468 LIVINGSTON FIRE SERVICE,	Annual Maint	30.20
5310 SEWER OPERATING	430610 SEWER ADMINISTRATION	112 MONTANA RAIL LINK	96713	100.00
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Water Cell	24.09
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer Cell 1/2	24.76
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer Cell	23.57
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer Cell	11.46
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer 1/2	28.62
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer 1/2	0.00
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	Sewer 1/2	40.04
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	WWTP	69.76
5310 SEWER OPERATING	430620 FACILITIES	879 VERIZON WIRELESS	WWTP - pager	22.98
5310 SEWER OPERATING	430620 FACILITIES	3184 MASTERCARD	Walmart	43.47
5310 SEWER OPERATING	430620 FACILITIES	3298 EXEC U CARE SERVICES,	PW Cleaning	80.00

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 SEWER OPERATING	430620 FACILITIES	2705 CITY OF LIVINGSTON	Key	2.49
5310 SEWER OPERATING	430625 SEWER SERVICES	948 BRIDGER ELECTRIC, INC.	Health Care LS	260.00
5310 SEWER OPERATING	430625 SEWER SERVICES	2671 COMDATA	Sewer	308.62
5310 SEWER OPERATING	430625 SEWER SERVICES	1390 KEN'S EQUIPMENT REPAIR,	Unit 433	47.50
5310 SEWER OPERATING	430625 SEWER SERVICES	3472 UTILITIES UNDERGROUND	811	37.68
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	3184 MASTERCARD	Harbor freight	169.99
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	424 ENERGY LABORATORIES, INC.	Bl6071056	102.00
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	54 GATEWAY OFFICE SUPPLY	Supplies	165.80
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	2830 LEHRKIND'S COCA-COLA	Water	25.95
5310 SEWER OPERATING	430640 SEWER TREATMENT PLANT	468 LIVINGSTON FIRE SERVICE,	Annual Maint	160.75
Total for Fund:				1,779.73
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste truck	0.00
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Solid Waste truck	13.23
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Transfer Station	24.61
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Scale House	22.98
5410 SOLID WASTE	430820 FACILITIES	879 VERIZON WIRELESS	Transfer station - V	51.55
5410 SOLID WASTE	430820 FACILITIES	3184 MASTERCARD	B&B, Green Products	43.47
5410 SOLID WASTE	430820 FACILITIES	3298 EXEC U CARE SERVICES,	PW Cleaning	80.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	3184 MASTERCARD	Rib & Chop	49.60
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	23 CARQUEST AUTO PARTS	Blade	18.91
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	2671 COMDATA	Solid Waste	140.13
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Curbtender	17.75
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Unit 685	855.00
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	1390 KEN'S EQUIPMENT REPAIR,	Unit 3120C	13.80
5410 SOLID WASTE	430830 COLLECTION/MAINTENANCE	2830 LEHRKIND'S COCA-COLA	Water	31.00
5410 SOLID WASTE	430835 CAPITAL OUTLAY	2904 FISHER SAND AND GRAVEL	Blocks	1,091.25
5410 SOLID WASTE	430840 DISPOSAL	3380 EMERALD RECYCLING SERVICE	Oil Disposal	626.60
5410 SOLID WASTE	430840 DISPOSAL	2731 MONTANA WASTE SYSTEMS,	Transfer fees	73,336.21
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Scale house supplies	51.54
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Scale house supplies	170.98
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	3184 MASTERCARD	Scale house change e	16.68
Total for Fund:				76,655.29
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	2662 BOUND TREE MEDICAL, LLC	Patient supplies	233.97
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	2662 BOUND TREE MEDICAL, LLC	Patient supplies	821.49
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	2662 BOUND TREE MEDICAL, LLC	Patient supplies	205.00
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	2662 BOUND TREE MEDICAL, LLC	Patient supplies	18.99
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	2662 BOUND TREE MEDICAL, LLC	Patient supplies	49.66
5510 AMBULANCE SERVICES	420400 OPERATING ACCOUNTS	55 LIVINGSTON HEALTH	Patient supplies	71.19
5510 AMBULANCE SERVICES	420402 RESERVE AMB/FIREFIGHTERS	3333 KING COUNTY FINANCE	EMS online subscript	550.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	272 PARK COUNTY	Amb. 50% phones	44.07
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies	13.80
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies	187.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2662 BOUND TREE MEDICAL, LLC	Patient supplies	23.94
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient supplies	34.59
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient supplies	20.40
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3333 KING COUNTY FINANCE	EMS online subscript	1,155.00
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3450 ARROW INTERNATIONAL, INC	Patient supplies	62.76
5510 AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3450 ARROW INTERNATIONAL, INC	Patient supplies	562.76

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5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	61 TERRELL'S OFFICE	Copier Svcs	100.80
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2437 O'REILLY AUTOMOTIVE, INC	Diesel Exhaust fluid	67.48
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	115.78
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	13.52
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	46.97
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	EMS	13.23
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	879 VERIZON WIRELESS	Medic 2	33.50
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	3184 MASTERCARD	Cell phone booster	479.99
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	26 LIVINGSTON ACE HARDWARE	- blower fan	59.99
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2671 COMDATA	July fuel	1,329.59
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	23 CARQUEST AUTO PARTS	Diesesel exhaust flu	44.43
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	55 LIVINGSTON HEALTH	Patient supplies	28.82
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	2595 TOWN & COUNTRY FOODS	- Event supplies	9.95
5510	AMBULANCE SERVICES	420730 AMBULANCE OPERATING ACCT	402 ALPINE ELECTRONICS RADIO	Batteries	25.98
				Total for Fund:	6,424.65
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	1550 MALCOTT, EILEEN	Flex Account	114.67
7910	PAYROLL FUND	212970 FLEX PLAN BENEFITS PAY	1901 HARRIS, JOSEPH E.	Flex Account	95.00
				Total for Fund:	209.67
				Total:	397,430.80

Backup material for agenda item:

C. CONSENT - Ratify Claims 2nd Half of August FY17

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
2220 LIBRARY	460100 LIBRARY SERVICES	3625 ONSITE ENERGY, INC	50% Library Solar Pr	17,398.00
2220 LIBRARY	460100 LIBRARY SERVICES	3625 ONSITE ENERGY, INC	Less MT 1% Misc Tax	-173.98
Total for Fund:				17,224.02
5210 WATER OPERATING	430570 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit 1-Postage-Rat	500.00
Total for Fund:				500.00
5310 SEWER OPERATING	430670 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit 1-Postage-Rat	500.00
Total for Fund:				500.00
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit 1-Postage-Rat	500.00
Total for Fund:				500.00
Total:				18,724.02

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Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5210 WATER OPERATING	430570 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit #1 Bulk Maili	2,500.00
			Total for Fund:	2,500.00
5310 SEWER OPERATING	430670 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit #1 Bulk Maili	2,500.00
			Total for Fund:	2,500.00
5410 SOLID WASTE	430870 CUSTOMER ACCTG/COLLECTION	2596 US POST OFFICE -	Permit #1 Bulk Maili	2,500.00
			Total for Fund:	2,500.00
			Total:	7,500.00

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Fund/Account	Amount
5210 WATER OPERATING	
101000	\$2,500.00
5310 SEWER OPERATING	
101000	\$2,500.00
5410 SOLID WASTE	
101000	\$2,500.00
Total:	\$7,500.00

Backup material for agenda item:

D. CONSENT - Approve Mary Beebe re-appointment to City/County Board of Health

City of Livingston
Application for Appointed Office
(Revised 3/17/03)

Appointed Position Seeking: BoH representative

Date of Application: 7/29/16

Name: Mary E Beebe

Signed: Mary E Beebe

Address: 216 South E Street, Livingston MT 59047

Telephone: daytime 406-223-0885

after 5:00 p.m.: _____

Fax Number: 0

e-mail address: _____

1. Are you a resident of the City of Livingston? yes

2. Are you a registered voter? yes

3. Will you be at least 18 years of age at the time of the appointment? yes

4. Describe the reasons you are interested in this appointment: I have been serving on the Board of Health for several years and would like to continue my professional and community work are directly related to BoH issues.

5. Describe any background, experience and interests that you have which may assist you in performing the responsibilities of this appointment:

A. Occupation: social work - HRDC

B. Education: Phd.

C. Experience: 6 years on BoH, City Commission - 2004-2010

(please attach a detailed resume if desired)

6. Have you served on any previous boards or in any governmental positions in the past? yes City Commission 2004-2010; Current: Angel Line Board, Current: Transportation Committee; 6 years: Board of Health

7. Are you currently serving on any Community Boards? yes

A. If yes, please describe those boards. Transportation Committee, Angel Line Board

8. Current Employer? HRDC

9. Are you available for night meetings? yes

10. Are you available for daytime meetings? sometimes

11. Do you foresee any potential conflicts of interest that you might have in executing the duties of this appointed office? no

12. If conflict of interest arose for you, how would you deal with it as an appointed member of this board? advise myself with full disclosure.

Backup material for agenda item:

- A. RESOLUTION NO. 4689 - A RESOLUTION OF THE CITY OF LIVINGSTON, MONTANA, TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COSTS WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4689**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to reauthorize Street Lighting District #20

Statutory Authority/Reference: 7-2-4330, MCA

Background: The maintenance of the City's street lights is divided into two distinct categories, Maintenance/Energy costs, and Street Light Replacements. These costs are split approximately 33%/67%. This resolution represents the second category, the replacement of street lights and other appurtenances. A portion of these replacements will be for the continuation of the Park Street Light replacement on the east side of town. The \$91,740 for Fiscal Year 16-17 represents a 0% increase over the current year.

Fiscal Impact: Revenue in the amount of \$91,740 to fund replacement of street lights.

Regulatory Impact (local): N/A

Attachments: Fiscal Note

RESOLUTION NO. 4689

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS OF \$91,740.00 FOR FISCAL YEAR 2016-2017 AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT, AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the City of Livingston has created Special Improvement Lighting District No. 20 for the purpose of providing for general public health, safety and welfare by lighting streets for vehicular and pedestrian safety and as a deterrent to criminal activity; and

WHEREAS, pursuant to 7-12-4351, MCA, it is the intent of the City Commission to make a modification to Street Lighting District No. 20 by replacing existing street lights; and

WHEREAS, the City has established a 5 year street improvement plan and the coordination of the replacement of street lights and appurtenances with said plan; and

WHEREAS, it is the intent to replace street lights in conjunction with the street improvements plans where necessary and/or desirable; and

WHEREAS, it is the City's intent to levy and assess 100 percent of the estimated costs of \$91,740.00 for replacing street lights against each parcel of land within said district for Fiscal Year 2016-2017 for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

WHEREAS, the City Commission finds that all parcels of property located within the district will be benefitted from replaced street lights; and

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

WHEREAS, following due notice and pursuant to 7-12-4351 MCA, the City Commission met on August 16th, 2016, to hear all objections which may be made to such

Resolution No. 4689

Levying and Assessing \$91,740.00 for FY 16-17 for Lighting District No. 20

Replacement Costs

Page 1

assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Livingston, Montana, as follows:

That Special Improvement Lighting District No. 20 is defined as including each and every parcel of property located in the City of Livingston, including all annexations thereto.

BE IT FURTHER RESOLVED that the City Commission hereby modifies Special Improvements Lighting District by replacing lights and appurtenances therein and hereby levies and assesses for Fiscal Year 2016-2017 100% of the cost of replacing street lights in the amount of \$91,740.00 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
Resolution # 4689

Fiscal Analysis Assumptions

The maintenance of the City's street lights are divided into two distinct categories, Maintenance & Energy costs, and Street Light Replacements. These costs are split approximately 33% / 67%.

This resolution represents the second category, the replacement of street lights. This is approximately \$91,740 for FY 17. A portion of these replacements will be for the continuation of the Park Street Light replacement on the east side of town. There are no rate increases necessary for the replacement of these

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Taxes & Assessments	\$ 91,740		
Licenses & Permits			
Intergovernmental Revenues			
Charges for Services			
Fines & Forfeitures			
Miscellaneous Revenues			
Investment Earnings			
Other Financing Sources			
Transfers			
 Total Costs	 \$ <u>91,740</u>	 \$ <u>-</u>	 \$ <u>-</u>

<u>Benefitted Fund</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Fund Name Street Light Maintenance District	\$ 91,740		
 Total	 \$ <u>91,740</u>	 \$ <u>-</u>	 \$ <u>-</u>

Signature Jessie R. Hogg
Date 8/3/2016

Backup material for agenda item:

- B. RESOLUTION NO. - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4690**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to reauthorize Street Lighting District #20

Statutory Authority/Reference: 7-2-4330, MCA

Background: The maintenance of the City's street lights is divided into two distinct categories, Maintenance/Energy costs, and Street Light Replacements. These costs are split approximately 33%/67%. This resolution represents the first category, the payment of maintenance and energy costs. The Street Lighting District #20 provides the funding necessary to pay for the energy consumed by the municipal street light system. The \$47,260 for Fiscal Year 16-17 represents a 0% increase over the current year.

Fiscal Impact: Revenue in the amount of \$47,260 to fund maintenance of municipal street light system.

Regulatory Impact (local): N/A

Attachments: Fiscal Note

RESOLUTION NO. 4690

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ESTIMATING THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$47,260.00 FOR FISCAL YEAR 2016-2017 AND LEVYING AND ASSESSING 100% OF THE ESTIMATED COSTS AGAINST EVERY PARCEL OF PROPERTY WITHIN SAID DISTRICT FOR THAT PART OF THE COST WHICH ITS ASSESSABLE AREA BEARS TO THE ASSESSABLE AREA OF THE DISTRICT.

WHEREAS, the City of Livingston has created Special Improvement Lighting District No. 20 for the purpose of providing for general public health, safety and welfare by lighting streets for vehicular and pedestrian safety and as a deterrent to criminal activity; and

WHEREAS, the estimated costs of maintaining lights and supplying electrical current for Lighting District No. 20 for Fiscal Year 2016-2017 is \$47,260.00; and

WHEREAS, it is the City's intent to levy and assess 100% of the costs for maintaining the lights and supplying electrical current against each parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the district which such parcel is located exclusive of streets, avenues, alleys and public places; and

WHEREAS, the City Commission finds that all parcels of property located within the district will be benefitted from maintaining lights and supplying electrical current for Lighting District No. 20; and

WHEREAS, a list of all parcels of property to be assessed within said district which contain the name of each parcel owner and the amount to be levied and assessed thereon is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana; and

WHEREAS, following due notice a public hearing on the proposed assessment was held on August 16th, 2016, pursuant to 7-12-4330, MCA, at which time the City Commission met to hear all objections which may be made to such assessment or any part thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Livingston, Montana, as follows:

Resolution No. 4690

Levying and Assessing \$47,260.00 for FY 16-17 for Maintenance Costs of Lighting District No. 20

Page 1 of 2

That Special Improvement Lighting District No. 20 is defined as including each and every parcel of property located in the City of Livingston, including all annexations thereto.

BE IT FURTHER RESOLVED that the City Commission hereby levies and assesses for Fiscal Year 2016-2017 100% of the cost of maintaining and supplying electrical current for Special Lighting District No. 20 is in the amount of \$47,260.00 against each and every parcel of land within said district for that part of the cost which its assessable area bears to the assessable area of the entire district exclusive of streets, avenues, alleys and public places, all as set forth in the list of all parcels of property in said district which contains the name of each parcel owner and the amount levied thereon. A copy of said list is on file and open for public inspection in the office of the City of Livingston, 414 East Callender Street, Livingston, Montana.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4690

Fiscal Analysis Assumptions

The maintenance of the City's street lights are divided into two distinct categories, Maintenance & Energy costs, and Street Light Replacements. These costs are split approximately 33% / 67%.

This resolution represents the first category, the payment of maintenance and energy costs. This is approximately \$47,260 for FY 17. There are no rate increases necessary for the continued maintenance of these lights.

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Taxes & Assessments	\$ 47,260		
Licenses & Permits			
Intergovernmental Revenues			
Charges for Services			
Fines & Forfeitures			
Miscellaneous Revenues			
Investment Earnings			
Other Financing Sources			
Transfers			
 Total Costs	 <u>\$ 47,260</u>	 <u>\$ -</u>	 <u>\$ -</u>

<u>Benefitted Fund</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Street Light Maintenance District	\$ 47,260		
 Total	 <u>\$ 47,260</u>	 <u>\$ -</u>	 <u>\$ -</u>

Signature Jessie R. Hogg
 Date 8/3/2016

Backup material for agenda item:

- C. RESOLUTION NO. 4691- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4691**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: State intent to increase the water rate in the amount of 3% beginning September 2016 usage billed in October 2016.

Statutory Authority/Reference: 69-7-101 *et seq.*

Background: The current proposed increase is in line with recent years. In fiscal years 2008-2010, the City increased the water rate in an effort to meet state averages and maintain the existing schedule of necessary infrastructure costs, as delineated by the Capital Improvement Plan. A recommended % increase in 2011 was not approved, and a resulting 4% increase was made in 2013. The cost of providing sewer and water services continues to rise. The average residential water bill, due to a 3% raise, is expected to increase by \$0.81 per month.

In the past, a different based was used to calculate water bills for those users with no usage vs those with over 1,000 gallons in usage. For instance, if you had zero usage you would be charged a base rate of \$12.88. If you had 1,000 gallons in usage you would be charged a base rate of \$11.56 plus the variable rate. In order to provide consistency to all customers, we have standardized this base rate for all usages. For those customers with zero usage, this will result in a monthly decrease of approximately \$0.97.

Fiscal Impact: A 3% increase in the water rate and the change to the base rates is anticipated to result in \$13,000 of additional revenue for FY 2017.

Regulatory Impact (local): N/A

Attachments: Rate Schedule, Fiscal Note

RESOLUTION NO. 4691

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE WATER RATE IN THE AMOUNT OF 3% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 WATER USAGE, BILLED IN OCTOBER.

WHEREAS, the City of Livingston operates water and sewer facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, by Resolution No. 4673, effective July, 2015, the City last raised its water rates by 3%, following a three-year effort to meet the state averages; and

WHEREAS, the costs of providing sewer and water services continues to rise necessitating a rate increase; and

WHEREAS, historic base rates were inconsistent depending on whether a customer had zero usage or over 1,000 gallons used and for clarity in billing, the lower of the two 'base' rates has become the standard for all customers, regardless of usage, and will result in a net monthly decrease of approximately 97¢, and is set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, a 3% increase which will result in a monthly increase of approximately 42¢ to \$1.12, depending on the amount of water consumed by the customer all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, following due notice being both published and mailed, the City Commission met on August 16th, 2016 at which time the public was provided the opportunity to comment on the proposed water rate increase.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That the City Commission hereby increases the water rate for its customers in the amount of 3% to become effective for September 2016 water usage, billed in October.

BE IT FURTHER RESOLVED that a copy of this resolution be mailed to the Montana Consumer Counsel as required by 69-7-111(5) MCA.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Exhibit A to Resolution No. 4691

*Water Minimum Charge \$ 11.91 per month, plus \$ 2.66 per
1000 gallons*

Gallons	Current	3%	Difference
0	\$12.88	\$11.91	-\$0.97
1000	\$14.14	\$14.56	\$0.42
2000	\$16.72	\$17.22	\$0.50
3000	\$19.30	\$19.88	\$0.58
4000	\$21.88	\$22.54	\$0.66
5000	\$24.46	\$25.19	\$0.73
6000	\$27.04	\$27.85	\$0.81
7000	\$29.62	\$30.51	\$0.89
8000	\$32.20	\$33.17	\$0.97
9000	\$34.78	\$35.82	\$1.04
10000	\$37.36	\$38.48	\$1.12

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4691

Fiscal Analysis Assumptions

•A 3% increase in the water rate and the change to the base rates is anticipated to result in \$13,000 of additional revenue for FY 2017.

-Base Rate Change: -\$1,900.00

-3% Rate Increase: \$14,900.00

<u>Revenue by Type</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Metered Water Sales	\$ 13,000	\$ -	\$ -
Total Revenues	<u>\$ 13,000</u>	<u>\$ -</u>	<u>\$ -</u>

<u>Benefitting Fund</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Fund Name Water Fund	\$ 13,000	\$ -	\$ -
Total	<u>\$ 13,000</u>	<u>\$ -</u>	<u>\$ -</u>

Signature Jessie R. Hogg
 Date 8/3/2016

Backup material for agenda item:

- D. RESOLUTION NO. 4692 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **4692**

Date of First Consideration/Status: July 19th, 2016

Purpose of Legislation: Intent to increase the sewer rate in the amount of 2% beginning with September 2016 usage, billed in October 2016.

Statutory Authority/Reference: 69-7-101 *et seq.*

Background: In fiscal years 2008-2010, the City increased the sewer rate in an effort to meet state averages and maintain the existing schedule of necessary infrastructure costs, as delineated by the Capital Improvement Plan. A recommended 2% increase in 2011 was not approved, and a resulting 4% increase was made in 2013. The cost of providing sewer services continues to rise. In addition, in fiscal year 2014 the City completed a waste water treatment plant study. This study recommended significant upgrades in order to stay compliant with state requirements. This will require an upgrade expected to cost in excess of \$10 million. In order to prepare for the debt service and other costs required to complete the construction it is necessary to implement these rate increases. The average residential sewer bill is expected to increase by \$0.79 per month

In the past, a different based was used to calculate water bills for those users with no usage vs those with over 1,000 gallons in usage. For instance, if you had zero usage you would be charged a base rate of \$21.69. If you had 1,000 gallons in usage you would be charged a base rate of \$17.76 plus the variable rate. In order to provide consistency to all customers, we have standardized this base rate for all usages. For those customers with zero usage, this will result in a monthly decrease of approximately \$3.57.

Fiscal Impact: A 2% increase in sewer service charges and the change to the base rates is anticipated to result in \$21,900 of additional revenue for FY 2017.

Regulatory Impact (local): N/A

Attachments: Fiscal Note, Rate Schedule

RESOLUTION NO. 4692

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, INCREASING THE SEWER RATE IN THE AMOUNT OF 2% TO BECOME EFFECTIVE FOR SEPTEMBER 2016 SEWER USAGE, BILLED IN OCTOBER.

WHEREAS, the City of Livingston operates water and sewer facilities and services as enterprise funds, i.e. that the cost of providing the services to the general public on a continuing basis are financed or recovered through user charges and are not supported by the general tax levy; and

WHEREAS, 69-7-101 *et seq.* Montana Code Annotated (MCA), authorizes increases in utility rates when deemed necessary by the City Commission; and

WHEREAS, in 2008 the City’s water rate was determined by the State of Montana to be substantially below the statewide water rates for other Montana cities and towns and the City of Livingston, over a three year process, brought its water and sewer rates up to meet the statewide averages in order for the City of Livingston to qualify for State grants and loans; and

WHEREAS, by Resolution No. 4578, effective July, 2015, the City last raised its sewer rates by 2%, following a three-year effort to meet the state averages; and

WHEREAS, the costs of providing sewer and water services continues to rise necessitating a rate increase; and

WHEREAS, historic base rates were inconsistent depending on whether a customer had zero usage or over 1,000 gallons used and for clarity in billing, the lower of the two ‘base’ rates has become the standard for all customers, regardless of usage, and will result in a net monthly decrease of approximately 97¢, and is set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, a 2% increase in sewer rates will result in a monthly increase of 50¢ to \$1.80 per month increase depending on sewer usage, all as set forth in Exhibit A, which is attached hereto and incorporated by this reference as though fully set forth herein; and

WHEREAS, following due notice being both published and mailed, the City Commission conducted a public hearing on August 16th, 2016, at which time the public was provided the opportunity to comment on the proposed water rate increase

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

The City Commission hereby increases the sewer rate for its customers in the amount of 2% to become effective for September 2016 sewer usage, billed in October.

BE IT FURTHER RESOLVED that a copy of this resolution be mailed to the Montana Consumer Counsel as required by 69-7-111(5) MCA.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT - Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Exhibit A to Resolution No. 4692

*Sewer Minimum Charge \$18.12 per month; plus \$7.36 per
1000 gallons*

Gallons	Current	2%	Difference
0	\$21.69	\$18.12	-\$3.57
1000	\$24.98	\$25.48	\$0.50
2000	\$32.20	\$32.84	\$0.64
3000	\$39.42	\$40.21	\$0.79
4000	\$46.64	\$47.57	\$0.93
5000	\$53.86	\$54.94	\$1.08
6000	\$61.08	\$62.30	\$1.22
7000	\$68.30	\$69.67	\$1.37
8000	\$75.52	\$77.03	\$1.51
9000	\$82.74	\$84.39	\$1.65
10000	\$89.96	\$91.76	\$1.80

CITY OF LIVINGSTON FISCAL NOTE

Ordinance # _____
 Resolution # 4692

Fiscal Analysis Assumptions

- A 2% increase in the sewer rate and the change to the base rates is anticipated to result in \$21,900 of additional revenue for FY 2017.
 - Base Rate Change: -\$4,900
 - 2% Rate Increase: \$26,800
- Total FY 2017 Sewer Revenue s are estimated to be \$2,193,000

<u>Revenue by Type</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Sewer Service Charges	\$ 21,900	\$ -	\$ -
 Total Revenues	 <u>\$ 21,900</u>	 <u>\$ -</u>	 <u>\$ -</u>

<u>Benefitting Fund</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>
Fund Name Sewer Fund	\$ 21,900	\$ -	\$ -
 Total	 <u>\$ 21,900</u>	 <u>\$ -</u>	 <u>\$ -</u>

Signature Jessie R. Hogg
 Date 8/3/2016

Backup material for agenda item:

- A. RESOLUTION NO. 4683 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AN AMENDED AND UPDATED POLICY AND PROCEDURES MANUAL FOR CITY EMPLOYEES.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4683

Date of First Consideration / Status: August 2, 2016

Purpose of Legislation: A resolution of the City Commission of the City of Livingston, Montana approving an amended and updated Policy and Procedures Manual for employees.

Statutory Authority / Reference: Mont. Code Ann. § 7-3-304(4), Montana’s Workforce Drug and Alcohol Testing Act, and Code of Ordinances, City of Livingston, Montana § 2-1.D.4.

Background: Via Resolution No. 3702, the Livingston City Commission adopted and approved the Policy and Procedure Manual (“the Manual”) for employees. The Manual was amended and updated in September 2010 via Resolution No. 4163 after employees suggested numerous changes. Montana law has changed in several respects since the Manual was last updated. The risk retention pool to which the City belongs, MMIA, suggested the City modify the Manual to retain employment practices coverage with MMIA. The City’s administrative services team amended and updated the Manual as MMIA requested, and MMIA has approved the changes. The City Manager is now requesting the City Commission’s approval of the most recent version of the Manual.

Fiscal Impact: N/A

Regulatory Impact (local): N/A

Attachments: Policy and Procedures Manual.

RESOLUTION NO. 4683

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA APPROVING AN AMENDED AND UPDATED POLICY AND PROCEDURES MANUAL FOR CITY EMPLOYEES.

WHEREAS, in November 2005 via Resolution No. 3702, the Livingston City Commission adopted and approved the Policy and Procedure Manual (“the Manual”) for the City’s employees; and

WHEREAS, the Manual was amended and updated in September 2010 via Resolution No. 4163 after employees suggested numerous changes; and

WHEREAS, Montana law has changed in several respects since the Manual was last updated, and the City’s risk retention pool, MMIA, suggested the City modify the Manual in order to retain employment practices coverage from MMIA; and

WHEREAS, the City’s administrative services team amended and updated the Manual as MMIA requested, and MMIA has approved the changes; and

WHEREAS, the City Manager has requested the City Commission’s approval of the most recent version of the Manual, which document is attached hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

That the amended and updated Manual attached hereto and incorporated herein as Exhibit A is hereby approved and shall replace all prior versions of the Manual.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT - Chairman

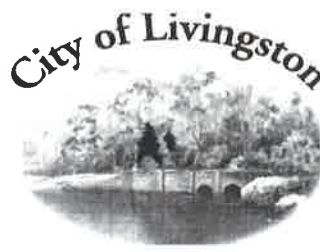
ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

Interim City Manager
Lisa L. Lowy
citymanager@livingstonmontana.org
(406) 823-6000 Phone




Incorporated 1889

Chairman
James Bennett
Vice Chairman
Dorel Hoglund

Commissioners
Mel Friedman
Sarah Sandberg
Quentin Schwarz

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August 10, 2016

TO: Livingston City Commissioners
FROM: Lisa Lowy, Interim City Manager / Administrative Services Director 
RE: Changes to Policy and Procedure Manual

Periodically, employers are required to update Policy and Procedure Manuals in order to keep in line with changes to relevant state and federal law or requirements from liability carriers. The most recent update to the City of Livingston Policy and Procedure Manual was completed in 2010, with some policies being added as needed.

The actual revisions or changes which you were given for review on August 2, 2016, are relatively minor and most reflect changes required by federal law or MCA. The format of the actual document has changed substantially as we have tried to reorganize the document so that similar topics are grouped together in a logical manner. All revisions have been reviewed by the City Attorney and Union Leadership. Unions still maintain the right to collectively bargain some policies and procedures into their agreements, which would supersede the City of Livingston Policy and Procedure Manual.

Content Changes include:

1. Listing of positions that may be screened for alcohol or illegal substances. (New requirement per MCA and MMIA – changes effective 60 days from date of ratification)
2. Elimination of an employment probationary period for existing employees that post into new positions. (New requirement per MCA)
3. HR follow up on all complaints of harassment or other conduct at 6 months post close of investigation. (This is in addition to the normal 30 day follow up. Required per MCA)
4. Upon termination final paychecks will be distributed within 15 calendar days, regardless of when the next pay period falls. (New requirement per MCA)
5. Upon termination an employee who has satisfied the qualifying period to use Sick leave (90 days of employment) but not the 6 months probationary period would be eligible to receive ¼ of accrued sick leave in final paycheck. (New requirement per MCA)
6. New employment application form. (Removes veteran status which is considered protected and is addressed through the confidential EEOC form)
7. Change in wording from shall to may with regard to audio recording of interviews. (Recommendation of MMIA and confirmed by City Attorney)
8. Define Temporary employee as one that may work up to 12 months. (New requirement per MCA)
9. Incorporated policies/language for leave related to Nursing Mothers and Public Office Leave. (Federally mandated policies, we had policy statements on both but this revision integrates them into the core document)
10. Enhancement of Safety policies and reporting procedures.

Approval of this document and the content changes pursuant to federal and state law is a requirement for continuation of our Employment Practices Coverage through MMIA.

414 East Callender Street

Livingston, MT 59047

www.livingstonmontana.org

LIVINGSTON
Montana
GO BEYOND YELLOWSTONE



Backup material for agenda item:

- B. RESOLUTION NO. 4694 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO DISCONTINUE THE RIGHT-OF-WAY IN THE 400 BLOCK OF NORTH 10TH STREET IN THE CITY OF LIVINGSTON, MONTANA.**

Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Resolution No. 4694

Requested by: Harry Annear and Michelle Becker

Date of First Consideration / Status: August 16, 2016.

Purpose of Legislation: Harry Annear and Michelle Becker own certain lots located along a right-of-way in the 400 block of North 10th Street in Livingston, Montana. Montana Code Annotated § 7-14-4114 provides that a city “may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest upon...a petition in writing of all owners of lots on the street or alley.” Mr. Annear and Ms. Becker have filed a petition to have the right-of-way located adjacent to Lots 22 through 29 of Block 29 and Lots 4 through 11 of Block 30 to the Palace Addition to the City of Livingston, Montana discontinued.

Statutory Authority / Reference: Mont. Code Ann. § 7-14-4114.

Staff Recommendation: The Development Review Committee suggest this resolution be approved.

Fiscal Impact: N/A

Regulatory Impact (local): N/A

Attachments: Petition and supporting documents

RESOLUTION NO. 4694

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO DISCONTINUE THE RIGHT-OF-WAY IN THE 400 BLOCK OF NORTH 10TH STREET IN THE CITY OF LIVINGSTON, MONTANA.

WHEREAS, Harry Annear and Michelle Becker own certain lots located along a right-of-way in the 400 block of North 10th Street in Livingston, Montana; and

WHEREAS, Mont. Code Ann. § 7-14-4114 provides that a city “may discontinue a street or alley or any part of a street or alley in a city or town, if it can be done without detriment to the public interest upon...a petition in writing of all owners of lots on the street or alley”; and

WHEREAS, Mr. Annear and Ms. Becker have filed a petition to have the right-of-way located adjacent to Lots 22 through 29 of Block 29 and Lots 4 through 11 of Block 30 to the Palace Addition to the City of Livingston, Montana discontinued; and

WHEREAS, Mr. Annear’s and Ms. Becker’s petition is attached hereto and incorporated herein as Exhibit A, and a map showing the location of the proposed right-of-way abandonment is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, the City Commission believes the discontinuation can occur without detriment to the public interest.

NOW, THEREFORE, be it resolved by the City Commission of the City of Livingston, Montana, as follows:

That it is the intent of the City Commission to discontinue the right-of-way located adjacent to Lots 22 through 29 of Block 29 and Lots 4 through 11 of Block 30 to the Palace Addition to the City of Livingston, Montana, all as more specifically depicted on Exhibit B; and

BE IT FURTHER RESOLVED, that a public hearing on the proposal be held at 6:30 p.m. on September 6, 2016, and that the notice attached hereto as Exhibit C be published according to law.

Dated this ____ day of August, 2016.

JAMES BENNETT - Chairman

Resolution No. 4694

Intent to discontinue right-of-way in the 400 block of North 10th Street in Livingston, Montana.

Page 1

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
Recording Secretary

ERIK COATE
City Attorney

[Exhibit A to Resolution No. 4694]

[Exhibit B to Resolution No. 4694]

[Exhibit C to Resolution No. 4694]

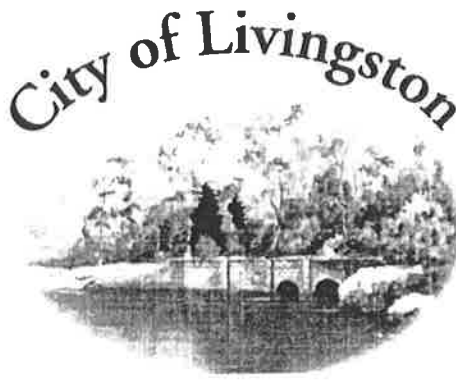
NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on September 6, 2016, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **Resolution No. 4694** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO DISCONTINUE THE RIGHT-OF-WAY IN THE 400 BLOCK OF NORTH 10TH STREET IN THE CITY OF LIVINGSTON, MONTANA.**

All interested persons are invited to attend and give their comments. For additional information contact Lisa Harreld, Legal Analyst, 414 East Callender Street, Livingston, MT 59047, or by phone at 823-6009. (Publish twice at least 6 days apart and the notice needs also to be posted and copies made available to the public.)

City Manager
Lisa Lowy

414 East Callender Street
Livingston, Montana 59047
(406) 222-2005 phone
(406) 222-6823 fax
citymanager@livingstonmontana.org
www.livingstonmontana.org



Chairman
James Bennett

59

Vice Chairman
Dorel Hoglund

Commissioners
Mel Friedman
Sarah Sandberg
VACANCY

Incorporated 1889

August 9, 2016

MEMORANDUM

TO: City Manager

FROM: Development Review Committee

SUBJECT: Street Vacation; 400 Block North 10th Street

Ms. Lowy,

At their meeting on August 8, 2016 the DRC reviewed the request by Mr. Annear and Ms. Becker, to vacate North 10th Street adjacent to lots 22-29, Block 29 and lots 4-11, Block 30, Palace Addition. The street in this location is not developed and is platted on a steep grade and would need to cross the Livingston Ditch if built.

The DRC did not identify any negative impacts of approving this Street Vacation.

APPLICATION FOR STREET/ALLEY VACATION*

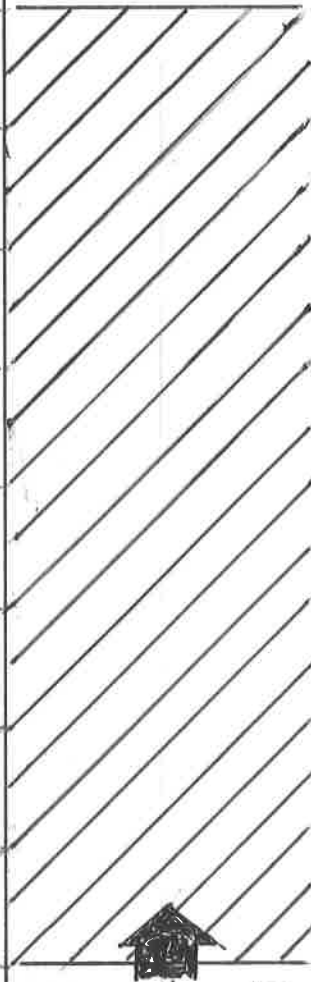
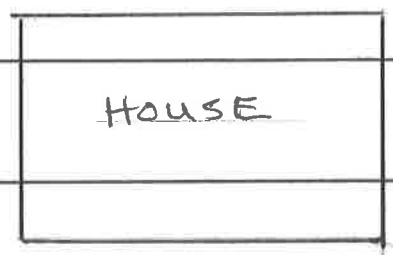
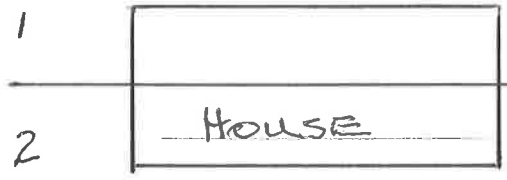
1. Applicant's Name: ^① Harry Annear, ^② Michelle Becker's
Ryan Laubach
2. Applicant's Address: ^① 7579 Theisen Rd. Belgrade MT 59714
^② 515 W. Park St. Livingston MT 59047
3. Applicant's Telephone Number: ^① 223-0023 ^② 220-0304
4. Description of street/alley requested for vacation:
Palace Addn. North 10th St. between
Block 30 & Block 29
-
5. Attach map/diagram of proposed vacation with the following:
- location in city
 - the street/alley proposed for vacation
 - applicant's property
 - abutting property owners
 - utilities; and
 - adjacent buildings/fixtures
6. Attach names and addresses of all landowners adjacent to the street/alley being sought to be vacated.
7. Is the Street/Alley improved? (circle appropriate response):
Yes No
8. Attach statements from utility companies indicating whether they consent, consent with conditions and stating conditions or object to proposed vacation.
9. Attach title report showing all ownership interests and easements in property abutting the proposed vacation.
10. A nonrefundable Application Fee for street/alley vacation in the amount of \$ 225.00 must accompany the application.

*NOTE: A. Submission of Application for street/alley vacation with appropriate fees in no way obligates the City to vacate said street or alley; the City Council will ultimately decide whether the street/alley vacation can be done without detriment to the public interest.

B. The City reserves the right to maintain a strip of land in the vacated street or alley for purposes of a public thoroughfare.

WEST GALLATIN STREET

NORTH 10TH ST.



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11

- 32
- 31
- 30
- 29
- 28
- 27
- 26
- 25
- 24
- 23
- 22

Block 30

AREA TO BE ABANDONED

Block 29

PALACE ADDITION



After Recording, Return to:
NorthWestern Energy
Lands & Permitting
11 E. Park St.
Butte, MT 59701

VACATION OF EASEMENT

This Vacation of Easement ("Vacation") is entered into by NorthWestern Energy Corporation d/b/a NorthWestern Energy, 11 E. Park St., Butte, MT 59701, ("NWE") for the benefit of Harry D. Annear, 7579 Theisen Road, Belgrade, MT 59714, ("Landowner").

RECITALS.

Landowner is the owner of that certain real Property legally described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

Township 2 South, Range 9 East, M.P.M.
Section 14: E2 of Lots 5-11 in Palace Addition to the City of Livingston, Park County, Montana.

The plat of the Property depicts a public road right-of-way for Tenth St. North being 20 feet in width along the easterly boundary of said Lots 5-11.

Landowner desires to have the Livingston City Commission vacate a portion of North Tenth Street, which proposed vacation is shown in hatch marks on the attached Exhibit A.

NWE has natural gas facilities in the portion of the platted road right of way, where Landowner desires to vacate public use of the road.

NOW THEREFORE, in consideration of the premises and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agrees as follows:

AGREEMENTS.

- 1. Vacation. NorthWestern Energy has no objection to the vacation provided its rights to operate, maintain, replace, and rebuild the existing gas facilities remains intact. The vacation is specifically limited to only the area shown in hatch marks on the attached Exhibit A.

- 2. Retained Interest. NorthWestern, for its benefit and that of its successors and assigns, hereby reserves and retains from the platted public utility right-of-way an easement for its gas facilities to the extent it has no specifically been relinquished

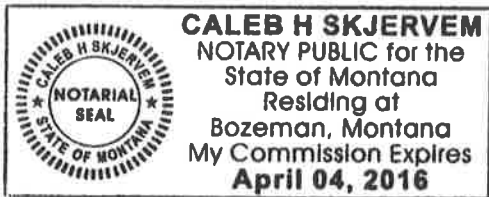
IN WITNESS WHEREOF NWE has executed this Vacation as of the date and year first set forth above.

NorthWestern Corporation
d/b/a NorthWestern Energy

By: [Signature]
Its: LIVINGSTON DISTRICT MANAGER

The foregoing instrument was acknowledged before me this 31 day of MARCH, 2016, by MATT FETTIG known to me to be the LIVINGSTON DISTRICT MANAGER on behalf of NorthWestern Corporation d/b/a NorthWestern Energy.

[Signature]
Print Name: CALEB H. SKJERVEM
Notary Public for the State of MONTANA
Residing at BOZEMAN, MT
My Commission Expires 04/04/2016



GD
Affects Platted Road R/W
SAP No.:
Authorized by: Matt Fettig
E#: 81604

Backup material for agenda item:

- C. RESOLUTION NO. 4688 -- A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2016-2017 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.**



Livingston City Commission
LEGISLATIVE ACTION SUMMARY
Ordinance/Resolution No: **XXXX**

Date of First Consideration/Status: August 18, 2015

Purpose of Legislation: To set the City's Tax Levy for Fiscal Year 2016-2017

Statutory Authority/Reference: Sections 7-6-4001, 7-6-4006, 7-6-4012, 7-6-4034, 7-6-4036, Montana Code Annotated

Background: Annually, the City establishes its tax levy by Resolution; as required by state law. By state mandate, this action must be taken by the first Thursday in September OR 30 days after receipt of the certified taxable values. The tax levy generates necessary revenues for several important funds within the City's financial structure; the most important being the General Fund.

Fiscal Impact: Many parts of the FY 17 annual budget were established according to the projection and distribution of tax levy revenues, which are delineated in the attached Mill Values and Levies chart. Establishment of the annual tax levy will provide the funds needed to implement the FY 17 annual budget and Capital Improvement Plan.

Regulatory Impact (local): N/A

Attachments: Exhibit A: Public Notice; Analysis of City Mill Values and Levies

RESOLUTION NO. 4688

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2016-2017 AND GIVING NOTICE OF A PUBLIC HEARING THEREON.

WHEREAS, pursuant to 7-6-4001 et seq. Montana Code Annotated (MCA), and by Resolution No. 4685 the City Commission approved the Final Budget for the City of Livingston for Fiscal Year 2016-2017; and

WHEREAS, after determining the Final Budget, the City Commission is required to determine the property tax levy needed for each fund by:

- a) adding the total amount of the appropriations and authorized expenditures for the budget year;
- b) adding an additional amount as a reserve to meet expenditures made from the fund during the months of July to November of the next fiscal year;
- c) subtracting the working capital; and
- d) subtracting the total estimated revenue, other than the property tax levy, for the budget year; and

WHEREAS, pursuant to 7-6-4036, MCA, the City of Livingston is required to fix the tax levy by the later of the first Thursday after the first Tuesday in September or within 30 days after receipt of the certified taxable values, at levels that will balance the budget as provided for in 7-6-4034 MCA and in the manner provided by 15-10-201, MCA, i.e. shall make and fix every such levy in mills and tenths and hundredths of mills; and

WHEREAS, the value of the mill for Fiscal Year 2016-2017 is \$11,321.47; and

WHEREAS, the City Commission, pursuant to 7-6-4001 et seq. MCA, shall conduct a public hearing on the proposed tax levy for Fiscal Year on September 6, 2016, at 6:30 p.m.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Livingston, Montana, as follows:

Section One. That it is the intent of the City Commission of the City of Livingston, Montana to fix, levy and assess the general all-purpose mill levy and authorized additional mill levies against all taxable property, both real and personal in the City of Livingston, Montana, for the Fiscal Year beginning July 1, 2016, and ending on June 30, 2017, as follows:

Fund	Title	Mill	
Mill levies subject to limit (15-10-420, MCA):			
1000	General	157.24	
2190	Comprehensive Insurance	1.00	
2370	PERS	6.15	
2373	Police Pension	8.55	
2374	Fire Pension	7.10	
2220	Library	7.00	
2220	Library Capital Funding	1.00	
2371	Aggregate Health Insurance	<u>9.00</u>	
	Total mills subject to limit		<u>197.04</u>
Mill levies not subject to mill levy limit (2-18-703(3), MCA):			
2372	Permissive Health Insurance	<u>31.02</u>	
	Total mills not subject to limit		<u>31.02</u>
Voter approved mill levies:			
3003	2000 Fire Truck GOB	3.25	
3005	2016 Fire Truck GOB	X.XX	
5510	Ambulance	<u>2.00</u>	
	Total voter approved mills		<u>5.25</u>
Total Mills			<u>225.80</u>

Section Two. That it is the intent that the effective date of this Resolution will be July 1, 2016.

Section Three. That it is the intent that the taxes fixed, levied and assessed will be collected by the County of Park, Montana, and the Finance Officer of the City of Livingston shall cause to be certified to the County Treasurer and the County Clerk and Recorder of Park County, Montana, a copy of this Resolution immediately after passage.

Section Four. That it is the intent that the Finance Officer will within a reasonable time forward a complete copy of the final budget together with tax levies to the Department of Commerce.

Section Five. That it is the intent to authorize the City Manager pursuant to 7-6-4031 Montana Code Annotated to transfer appropriations between items within the same fund.

Section Six. That it is the intent, pursuant to 7-6-4006 MCA, appropriations may be adjusted pursuant to procedures authorized by the City Commission for:

- a) debt service funds for obligations related to debt approved by the governing body;
- b) trust funds for obligations authorized by trust covenants;
- c) any fund for federal, state, local or private grants and shared revenue accepted and approved by the City Commission;

Resolution No. 4688

Resolution of Intent to Levy and Assess the Tax Levy for FY 2016-2017

Page 2

- d) any fund for special assessments approved by the City Commission;
- e) the proceeds from the sale of land;
- f) any fund for gifts or donations; and
- g) money borrowed during the fiscal year.

Section Seven: That it is the intent pursuant to 7-6-4012 MCA, to have the City Commission authorize adjustment to appropriations funded by fees throughout the budget period which are based upon the cost of providing a service and are fully funded by the related fees for services, fund reserves or non-fee revenue such as interest for:

- a) proprietary fund appropriations; or
- b) other appropriations specifically identified in the final budget resolution as fee-based appropriations.

BE IT FURTHER RESOLVED that the Notice attached hereto as Exhibit A be published as required by law.

PASSED AND ADOPTED by the City Commission of the City of Livingston, this _____ day of August, 2016.

JAMES BENNETT – Chairman

ATTEST:

APPROVED AS TO FORM:

LISA HARRELD
 Recording Secretary

ERIK COATE
 City Attorney

NOTICE

A public hearing will be held by the City Commission of Livingston, Montana, on September 6th, 2016, at 6:30 p.m. in the Community Room of the City County Complex, 414 East Callender Street, Livingston, Montana, on **RESOLUTION NO. 4688** entitled **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO FIX THE TAX LEVY FOR FISCAL YEAR 2016-2017 AND GIVING NOTICE OF A PUBLIC HEARING THEREON**. All interested persons are invited to attend the public hearing, to make comments or make objections to said assessments. For additional information contact the City of Livingston at 414 East Callender Street, Livingston, MT, 59047, or by phone at 823-6001.

(Publish twice at least 6 days apart and the notice needs also to be posted and copies made available to the public).

CITY OF LIVINGSTON
ANALYSIS OF CITY MILL VALUES & LEVIES
FISCAL YEARS 2008 TO 2017

<u>MILL VALUES</u>	-----Fiscal Year-----									
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Mill Value Including TIF's	\$ 10,167	\$ 10,128	\$ 10,514	\$ 10,901	\$ 11,037	\$ 11,201	\$ 11,564	\$ 11,394	\$ 10,916	\$ 11,321
Percentage Increase		-0.4%	3.8%	3.7%	1.2%	1.5%	3.2%	-1.47%	-4.20%	3.71%
Mill Value Excluding TIF's	\$ 9,885	\$ 9,880	\$ 10,149	\$ 10,488	\$ 10,577	\$ 10,712	\$ 11,030	\$ 10,978	\$ 10,562	\$ 10,982
Percentage Increase		-0.1%	2.7%	3.3%	0.8%	1.3%	3.0%	-0.5%	-3.8%	3.98%
<u>MILL LEVIES SUBJECT TO LIMIT:</u>										
GENERAL	119.86	115.24	118.79	111.14	109.87	114.21	141.24	141.12	153.01	157.24
COMP. LIAB INSURANCE	8.53	9.32	7.41	12.31	9.00	14.62	4.00	2.00	3.50	1.00
PERS	1.25	1.43	2.87	5.98	4.50	4.67	4.50	4.50	5.50	6.15
POLICE PENSION	7.76	8.40	8.08	8.00	10.70	8.29	7.25	7.25	6.75	8.55
FIRE PENSION	7.75	9.96	8.93	5.56	8.51	6.47	7.00	7.00	5.00	7.10
LIBRARY	9.13	9.13	9.23	9.23	9.23	7.00	7.00	7.00	7.00	7.00
LIBRARY CAPITAL FUNDING	-	-	-	-	-	1.77	0.46	1.00	1.00	1.00
SANITARIAN	2.53	2.82	2.72	2.72	3.00	3.00	-	-	-	-
AMBULANCE	1.36	1.36	1.36	1.36	1.36	1.36	0.36	1.00	-	-
AGGREGATE HEALTH INS	12.51	10.94	11.88	13.59	9.93	15.80	11.00	11.00	10.00	9.00
TOTAL MILL LEVIES SUBJECT TO LIMIT	<u>170.68</u>	<u>168.60</u>	<u>171.27</u>	<u>169.89</u>	<u>166.10</u>	<u>177.19</u>	<u>182.81</u>	<u>181.87</u>	<u>191.76</u>	<u>197.04</u>
<u>MILL LEVIES NOT SUBJECT TO MILL LEVY LIMIT</u>										
PERMISSIVE HEALTH INSURANCE	12.11	13.40	18.42	21.55	23.07	23.51	21.54	23.58	29.29	31.02
<u>VOTED MILL LEVIES:</u>										
FIRE TRUCK GOB	2.42	1.23	2.43	2.46	2.46	-	-	-	-	-
2000 FIRE TRUCK	4.07	1.64	3.64	3.68	4.18	3.18	3.18	3.00	2.75	3.25
2016 FIRE TRUCK	-	-	-	-	-	-	-	-	-	-
AMBULANCE	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
RR CROSSING	-	11.25	11.25	11.25	11.25	11.25	-	-	-	-
TOTAL VOTED LEVY	<u>8.49</u>	<u>16.12</u>	<u>19.32</u>	<u>19.39</u>	<u>19.89</u>	<u>16.43</u>	<u>5.18</u>	<u>5.00</u>	<u>4.75</u>	<u>5.25</u>
TOTAL MILLS	<u>191.28</u>	<u>198.12</u>	<u>209.01</u>	<u>210.83</u>	<u>209.06</u>	<u>217.13</u>	<u>209.53</u>	<u>210.45</u>	<u>225.80</u>	<u>233.31</u>

Percentage increase in mill levy	3.3%
Percentage increase in Property Taxes Levied	7.2%
Maximum mill levy subject to limit	197.04
Recommended levy subject to limit	197.04
Allowable Mills not Levied	<u>0.00</u>
Actual value of mill	11,321
Allowable property taxes not levied	\$ -

Backup material for agenda item:

- A. DISCUSS/APPROVE/DENY - REQUEST FROM SCHOOL DISTRICT FOR SUPPORT FOR SCHOOL NURSE PARTNERSHIP**

Our role as school nurses in the Livingston School District has changed and grown this year. It has many facets, including: assessing students' health; developing plans for care and management of health problems; acting as first responders; and carrying out public health functions, such as disease surveillance, immunization compliance and health promotion. We attempt to facilitate positive student responses to normal growth and development, promote health and safety, intervene with actual and potential health problems, and actively collaborate with others to promote wellness in the Livingston School District. Our presence in the building during the school day lessens the number of students who would be sent home needlessly by providing interventions to help them return to class, and promoting inclusion of health needs.

Our day is filled with seeing sick and injured students; administering medication; monitoring students with chronic illnesses; screening students for vision, hearing, scoliosis, etc., and following up on those screenings; monitoring students with concussions by providing Impact Testing; and maintaining a stocked and ready supply of medical equipment for anything that could happen during the school day. Drug testing at Park High School has also become a regular school nurse duty, and requires nurse time in the administration and follow-up of the drug testing.

This year, the role of the school nurse in Livingston was expanded, due to the fact that there were more nursing hours during the school year. During November 2015, the half-time nurse position was expanded to a full-time position, making two full-time nurses serving our five Livingston schools. Because of these increased hours, there was better management of health problems, better follow-up on screening results with parents, more instructional time in the classrooms, better monitoring of immunization status and more timely health screenings done. In addition, many hours were put into starting and expanding a new "nurse" page on the parkhigh.org website, which should greatly expand access to medical information and forms for parents and the local medical community.

The extra hours were utilized in part by making sure the schools were in compliance with new immunization laws. This year the state of Montana began requiring that all students in K-12 receive two Varicella (chicken pox) injections, and that all students in grades 7-12 receive a Tdap vaccination. Because of these new requirements, the immunization status of all students had to be investigated and information given to parents and health providers to ensure students were in compliance with the new immunization laws. Park County Health Department came into Sleeping Giant Middle School and PHS to help us immunize students who still lacked these new vaccinations, and to help provide other non-required adolescent immunizations for students whose parents wanted them. These clinics were organized and overseen by the school nurse, but the actual vaccinations were given by Park County Health Department.

One important part of the school nurse job is helping students with chronic health conditions have full access to their education. (See the table below for the numbers of students with some of the more common health concerns found in the schools.) Students with significant health concerns require a written care plan, and depending on the severity and age of the child, require multiple checks per day by the school nurse, i.e. blood sugar checks and insulin administration for diabetic children too young to perform these tasks on their own.

Another aspect of our jobs, which is related to these children with chronic medical problems, is relaying proper medical intervention to school staff for these students. After completing a care plan, we write up a simple informational sheet for teachers and staff who will be involved with the students during the school day and instruct them on a need-to-know basis about procedures they might be required to perform if they are dealing with a student in a crisis, such as glucagon administration for students with type 1 diabetes, epinephrine

administration for students with life-threatening allergies, etc. The staff includes coaches, bus drivers and others who might be involved with the student during the school day or during after-school activities.

Limiting the spread of communicable problems is also an integral part of our jobs. As has happened every year, there were many cases of lice, which are easily transmitted in young children. When live lice are found on a child's head, it necessitates instruction for parents, and relaying a sense of calm to other students and teachers as well as the student's family members.

Various screenings are conducted yearly on many students. We screen vision and hearing on all students in kindergarten and grades 1,3,6,7 and 9 as well as students new to the district, or any students for whom there is concern on either the teacher or the parent's part. Students in grades 6,7 and 8 are also screened for scoliosis. These screenings can involved multiple re-screens to determine the extent of a student's problem, and then follow-up is imperative to make sure parents are aware of the problem and have access to proper medical attention, and in some cases, procurement of financial assistance for the intervention. We provided several students with free vision exams through the VSP program "Sight for Students." This program, which was new to us this year, provides free vision exams and glasses for students who qualify economically, and it seemed to help the "vision referrals returned with treatment" category of our screenings!

Opportunity for teaching in the classroom is an important aspect of our jobs. All first-graders were instructed in proper handwashing. This is a fun classroom presentation which involved putting on "fake germs" that glow in the dark, and talking about the importance of good handwashing. Other instructional time in the classroom included a heart health/blood pressure presentation to the freshman health class and multiple classes regarding puberty for grades 4 through 8.

Livingston school nurses helped organize a team through the Park County Health Department composed of dentists and dental hygienists who screened all students for dental problems in kindergarten through third grade. School nurses organized the students to be screened and took care of the follow-up contact with parents/guardians of those students who needed more dental care, as well as assisted several families in signing up for Healthy Montana Kids so they could more easily afford to see a dentist for further dental work.

Park High School experienced tragedy during the 2015-16 school year, and many of the students responded to the high anxiety with perceived physical symptoms. Many more students came to the nurse's office during the days following the school tragedies, needing some help with anxiety-related issues.

We look forward next year to a new adolescent/pediatric health clinic, "Ranger Clinic," starting up at Park High. We have put in many hours trying to decide how the health clinic can best serve our students, helping put together information on the clinic, and assembling the paperwork and policies for it.

As the school year comes to an end, it is good to reflect on our jobs and the reason the school nurses are in the district. As always, the most rewarding aspect of our work is playing a part in helping students learn and meet their potential by overcoming health problems that could, in some cases, prohibit them from even attending school were it not for our intervention.

	Washington	Winans	East Side	SGMS	Park High	Total	75
Students enrolled	118	247	298	318	477	1,458	
Students with health concerns-parents volunteered info	15	60	74	75	70	294	
Health care plans written	2	13	5	8	15	43	
Meds at school daily	1	6	3	3	2	15	
Meds at school prn-includes inhalers	7	13	21	21	72	134	
Vision screens and rescreens	120	219	200	112	161	812	
Vision referrals sent	11	15	25	11	12	74	
Vision referrals returned with treatment	2	8	6	3	3	22	
Hearing screens and rescreens	125	192	200	112	145	774	
Hearing referrals to audiology	5	10	0	2	6	23	
Students immunized through PCH	NA	NA	NA	33	40+ (pending vaccines to be given in May)	73	
Scoliosis checks and rechecks	NA	NA	NA	325	NA	325	
Scoliosis referrals	NA	NA	NA	pending	NA	pending	
Ht/wt/bmi screened	128	145	NA	NA	NA	273	
Students with asthma/inhaler	5	17	27	47	79	175	
Students with type 1 diabetes	0	1	1	3	3	8	
Students with type 2 diabetes	0	0	0	0	1	1	
Students with seizure disorder	0	1	0	1	2	4	
Students with life-threatening allergies	2	10	3	3	10	28	

	Washington	Winans	East Side	SGMS	PHS	Total
Students with misc health issues requiring care plan	0	0	1	2	4	7
Dental screens by PCH	101	200	80	NA	NA	381
Urgent dental needs found	4	8	9	NA	NA	21
Early dental needs found	17	29	16	NA	NA	62

LIVINGSTON SCHOOL DISTRICT 4& 1

*Dr. Donald J. Viegut – Superintendent
D. Ellen Conley – Director, Business Services*

*132 South B Street
Livingston, MT. 59047
406-222-0861*

www.livingston.schoolwires.com

August 8, 2016

Dear Livingston City Commissioners,

Please accept our request for continued support for the current nursing services partnership. As you are all aware the collaborative project that began in 2015 was incredibly impactful and is viewed as an overall success. As a result of all of our efforts basic medical needs of students are being better met. Collectively, we are creating the conditions where students are able to focus on learning. The support of the city is making possible successes that the school district could not do alone.

We value our partnership with you and are extremely appreciative of your efforts. Together, we are working toward building a healthy and thriving Livingston.

With Great Appreciation!

Sincerely,

Dr. Donald J. Viegut, Superintendent
Livingston Schools



August 1, 2016

Dear Livingston City Commissioners,

With the help of the City of Livingston during the 2015-2016 school year, the Livingston School District was able to increase funding of the school nurses to meet the federal recommended guidelines for the nurse to student ratio for the first time. Together with Livingston Health Care, Park County and the school district (which receives no specific funding for school nurses) the 2 school nurses each had a 1.0 FTE position, which resulted in 1 nurse for every 725 students, slightly exceeding the *minimum* recommended ratio of 1 nurse for every 750 students.

The cost of 2.0 FTE school nurses is approximately \$132,000 including benefits. The school district covers 75% of this cost or 1.5 FTE. Last year, an additional 25%, or 0.5 FTE, was covered by 3 equal contributions of \$11,000 each from Livingston Health Care, Park County and the City of Livingston. For comparison, the rural school nurses in Park County are also covered by a cost sharing, but only between the County which covers 66% of the school nurse cost and the schools which cover 33%. As a result the Park County rural schools have, for years, enjoyed the 1 nurse to 750 student ratio that Livingston students experienced for the first time last year.

In school districts with high poverty rates, such as in Livingston, school nurses have been shown to reduce absenteeism, improve care of chronic diseases, such as diabetes, asthma and seizure disorders, and improve coordination for emergency planning. Schools are also focal points for the spread of infectious diseases which affect the entire community and school nurses have central roles in monitoring immunizations and limiting outbreaks through early identification and containment of disease, parental notification/education and enforcement of state policies.

Deb Harriman RN, one of the two school nurses, has written a summary of the Livingston school nursing activities for the 2015-2016 school year (attached separately) detailing the excellent, additional services provided with their additional work hours.

As the head of the Health Department, in charge of public health for all of our citizens, I am respectfully asking the City of Livingston to again join with the Livingston School District, Park County and Livingston Health Care to make this important, annual contribution toward community health.

Sincerely,

Genevieve Reid, M.D.

Health Officer

Backup material for agenda item:

**B. DISCUSS/APPROVE/DENY -- REVISING CITY COMMISSION'S POLICY ON SPENDING
SKILLMAN BEQUEST INTEREST AND PRINCIPAL**

MEMORANDUM

To: Livingston City Commission

From: Erik Coate *EAC*

Date: 7/28/2016

Re: Bryant Skillman Bequest a/k/a "The Skillman Trust"

QUESTION PRESENTED

1. Can the Livingston City Commission revise its spending policy pertaining to the Skillman bequest?

BRIEF ANSWER

1. Yes. Records available to the city attorney indicate Skillman requested the funds be used for recreational purposes, but the records do not reflect that he placed restrictions on the Commission's ability to spend principal and/or interest.

STATEMENT OF FACTS

I. History of the Skillman Bequest

Bryant Skillman ("Skillman") passed away on June 6, 1996. Prior to his death, Skillman executed a will whereby he bequeathed 1/3 of his estate to the City of Livingston. All told, Skillman left the City of Livingston over \$100,000. The bequest did not come without strings attached, however, as Skillman had specific instructions on how the money was to be used. In a June 17, 1997 letter to then city manager Steve Golnar ("Golnar"), Skillman's local attorney, who drafted Skillman's will, wrote that the bequest was to be used for "recreational purposes." (See June 17, 1997 letter attached hereto as Exhibit 1.) The same attorney also sent an October 30, 1997 letter to Golnar that appears to quote language from Skillman's will. Namely, the letter

indicated the property bequeathed was “to be used for recreational purposes.” (See October 30, 1997 letter attached hereto as Exhibit 2.) The attorney stressed it was essential for the city to abide by the request. (*Id.*)

On November 3, 1997, Golnar informed the Livingston City Commission (the “Commission”) he intended to work with the city attorney to articulate guidelines applicable to use of the funds. Several weeks later, Golnar suggested the Commission put the money into a 6% certificate of deposit and distribute the interest from the deposit “for one time annual expenses and improvements for recreational purposes as the City comes to define that.” (See November 17, 1997 City Council Minutes attached hereto as Exhibit 3.) Golnar also recommended the funds be placed “into a trust,” with interest earned on the trust distributed “for one time expenditures and improvements for ‘Recreational Purposes’ as is to be defined by the City Council.” (See document attached hereto as Exhibit 4.) In response to Golnar’s suggestions, the Commission stated it “would like to use the interest and not the principal...” (Exhibit 3.) Then, on December 15, 1997, the Commission adopted a resolution defining how the funds were to be used. The resolution provides that only interest shall be spent until such time as the Commission develops a worthy recreational purpose for the entire bequest. (See Resolution No. 2866 attached hereto as Exhibit 5.)

II. Recent Requests for Funds from the Skillman Bequest

In the late spring or early summer of 2016, Jeff Dickerson requested a portion of the bequest’s principal to help with the construction costs of the fieldhouse project at Northside Park. After reading Resolution No. 2866, the city attorney opined that the resolution forbid the Commission from spending portions of the principal. The city attorney noted the resolution

allowed only interest to be spent until such time as one worthy recreational purpose was identified for the entire bequest. Dickerson's request was not acted on as a result.

On July 19, 2016, Dickerson renewed his request for funding. This time he asked for the entire principal in accordance with the city attorney's interpretation of Resolution No. 2866. The Commission voted against providing the entire principal amount to the fieldhouse project with a 4 to 1 vote. However, city commissioners wondered if the Commission could simply revise its policy with respect to the bequest. The commissioners specifically wanted to know if the Commission could pass a new resolution that would permit piecemeal donations of the bequest's principal. The city attorney responded that he could provide an answer to the question only if he had a chance to review further details regarding the documents by which Skillman gifted the money.

Part of the confusion surrounding the bequest is that it was often referred to as the "Skillman Trust." The city attorney noted that if the bequest was indeed a trust of one form or another, Skillman's wishes with respect to the money were to be complied with to the letter. And if the trust indicated the City could only expend interest until such time as a worthy project was found, a revised policy statement would not be possible. On the other hand, if the bequest was less specific in its instructions, the Commission would be able to pass a new resolution setting forth its altered policy concerning the bequest.

Since July 19, 2016, the city attorney's office was able to uncover several documents related to the bequest. The aforementioned documents are attached to this memorandum, and some are specifically referenced above. In addition, the city attorney interviewed the former city attorney, Bruce Becker, regarding the bequest. Becker recalled that Skillman's will designated

recreational purposes as the chosen use for the funds, but he also reported his recollection that the will included no limiting language concerning either principal or interest.

DISCUSSION

I. Skillman might have created a trust by way of the language in his will.

A trust may be created by the transfer of property “by will or other disposition taking effect upon the settlor’s death.” Mont. Code Ann. § 72-38-401(1) (2015). In other words, a person can bring a trust into existence through language in his or her will. That being said, a trust will only be found “if the testator demonstrates that he or she intends that a trust be created.” *Matter of Estate of Bolinger*, 284 Mont. 114, 120, 943 P.2d 981, 985 (1997). Particular words of intent are not required to create a trust, 284 Mont. at 121, but “express trusts depend for their creation upon a clear and direct expression of intent by the trustor.” *Eckart v. Hubbard*, 184 Mont. 320, 325, 602 P.2d 988, 991 (1979). When language in a will merely expresses a wish or recommendation that property be used in a certain manner, the language is referred to as “precatory” and is generally found to be insufficient to create a trust. 284 Mont. at 122-23. Precatory language brings about an ethical obligation, at most. 284 Mont. at 123. As the Montana Supreme Court has noted, “the primary question in construing precatory language is whether the testator meant merely to advise or influence the discretion of the devisee, or himself control or direct the disposition intended.” *Id.* Put another way, “was it natural and probable that the donor intended the donee to be bound by an enforceable obligation or was he to be free to use his judgement and discretion?” *Id.*

Considering the documentation in the City’s possession, Skillman might have successfully created a trust through the bequest found in his will. First, accepting that the quoted language from the October 30, 1997 letter came directly from Skillman’s will ¹, he provided a clear and direct

¹ The City of Livingston should accept the quoted language in the letter as coming directly from the will because, as of now, it is the best evidence the City has concerning the actual language in the will.

expression of intent with respect to use of the money. Specifically, Skillman instructed that the money was to be used for recreational purposes. Second, it should be remembered that Skillman's attorney stressed it was imperative the City use the money as Skillman directed. That the attorney emphasized the importance of following Skillman's wishes lends credence to the idea the chosen language was not merely advisory and that Skillman desired to control use of the funds. Finally, even if Skillman did not create a trust through his will, the Commission should err on the side of caution by acting as if he did. Proceeding in the suggested manner is proper because it will help the City carry out the wishes of an obviously generous man, not to mention the fact it will serve to avoid unnecessary conflict.

II. Because the City of Livingston should act as if Skillman created a trust through his will, it must strictly comply with Skillman's wishes with respect to use of the funds.

The directives Skillman provided in his will must control the Commission's use of the funds bequeathed. The best evidence in the City's possession concerning the exact language of Skillman's will suggests the *only* instruction was that the money be put toward recreational purposes. Skillman's attorney explicitly mentioned the "recreational purposes" limitation in his letters, but neither letter mentioned any sort of restriction on spending principal and/or interest. Had Skillman imposed such limitations on use of the funds, his attorney no doubt would have included mention of the same in his letters to the former city manager. He did not. And, former city attorney Bruce Becker remembers that Skillman's will mentioned using the funds only for recreational purposes. Becker did not remember any restraint on spending principal and/or interest. In fact, all appearances are that a former city manager suggested the limitations on spending principal versus interest. Documents from two meetings in 1997 demonstrate the following: (1) Golnar and the city attorney were going to devise parameters applicable to use of the money; (2) Golnar later suggested the Commission deposit the money into a 6% CD and distribute the *interest*

from the account for one-time annual expenses and improvements for recreational purposes; and (3) Golnar recommended the funds be deposited into a trust and the interest thereon could then be spent on one-time expenditures and improvements for recreational purposes. It is also important to note that the Commission commented it would *like* to use the interest and not the principal. The Commission did not say it was *required* to use the interest and not the principal. The Commission subsequently accepted the proffered controls when it passed and adopted Resolution No. 2866.

In light of the above, the Commission must spend the bequest on items fitting within the “recreational purposes” directive. However, because it was the Commission and not Skillman that imposed restraints pertaining to principal and interest, the Commission is permitted to change its policy on spending principal and/or interest. The Commission can declare a revised policy by passing legislation that supersedes and replaces Resolution No. 2866.

CONCLUSION

The records available to the city attorney show that Skillman directed the bequeathed funds be used for recreational purposes, but he did not place restrictions on the Commission’s ability to spend only principal or interest. Consequently, the Commission can pass a new resolution that removes restrictions on spending principal and/ interest if it so desires.

YARDLEY AND YARDLEY

ATTORNEYS AT LAW
522 WEST CALLENDER STREET
LIVINGSTON, MONTANA 59047

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JACK YARDLEY
DAN YARDLEY

P.O. BOX 482
PHONE 222-2001

June 17, 1997

Steve Goldnar
City Manager - City of Livingston
City-County Building
414 E. Callender
Livingston, MT 59047

RE: Estate of Bryant Skillman

Dear Steve:

Bryant Skillman died June 6, 1996. His estate is being probated in California. Prince Pierson, who lives in Palm Desert, California, and I were appointed Co-Administrators of his estate.

Bryant's Will was executed in 1983. In it he left a third of the estate to the City of Livingston with a provision that it was to be used for recreational purposes.

The attorney for the estate is William Cosgrove of Palm Desert, California. Mr. Cosgrove stated that except for three lots that have not been sold the estate is ready to be closed. Cosgrove stated that because of the Court calendar it will be August before distribution can be made.

The other two beneficiaries under the Will are the local Elks Lodge and the Masonic Lodge. The lots are five acres each and are vacant land in San Bernardino, City of Twenty-Nine Palms. They were appraised in the estate for \$2,000 each. Roy Humbert, who lives in Livingston, and was a friend of Bryant, has advised me that the lots are not worth much and although they have been listed with a realtor, no buyer has been found. The

EXHIBIT
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Steve Gooldnar
June 17, 1997
Page Two

\$6,000 value of the three lots is a relatively small portion of Bryant's estate.

Mr. Cosgrove is proposing in order to close the estate to deed a lot to each of the three beneficiaries. The lots are adjacent to each other and could be sold as a unit if a buyer could be found. Mr. Cosgrove indicated that the Court would approve the distribution in this manner as more satisfactory than keeping the estate open until the lots were sold.

The purpose of this letter is to advise you as to the status of the probate and to ascertain if there is a major problem in having the City be deeded one of the three lots.

If you have any questions, please contact me.

Your assistance in this matter is appreciated.

Yours sincerely,

YARDLEY & YARDLEY



DAN YARDLEY

DY/mjf

YARDLEY AND YARDLEY
ATTORNEYS AT LAW
322 WEST CALLENDER STREET
LIVINGSTON, MONTANA 59047

P.O. BOX 482
22-2001

YARDLEY
YARDLEY

October 30, 1997

*Copy of
letter from
Carpenter.*

Steve Golnar
Livingston City Manager
City-County Building
414 E. Callender Street
Livingston, MT 59047

RE: Bryant Skillman Estate

Dear Steve:

This is in reference to the \$102,590.93 bequeath
Bryant made to the City of Livingston.

In 1983 I drafted the Will for Bryant. The Will
provided that 1/3 of the estate was bequeathed to the
City of Livingston "with said property to be used for
recreational purposes."

It is essential that the City abide by this request.

If you have any questions relative to the estate or
the bequeath, please contact me.

With best wishes, I remain

Yours sincerely,

YARDLEY & YARDLEY


DAN YARDLEY

DY/mjf

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

The Livingston City Council met in regular session Monday, November 17, 1997, 7:30 p.m. in the Community Room at the City/County Building. Councilmembers present were Barb Williams, Bernice McGee, Sheryl Dahl and Caron Cooper with Mayor Pat Mikesell presiding.

City Manager Steve Golnar introduced Taylor Pierson, the new Building Inspector to Council.

Motion was made by Dahl, second by Williams, to approve the minutes of November 3, 1997 regular City Council meeting. Motion passed.

Motion was made by Williams, second Dahl, to accept the bills and claims that listed for \$33,951.84. Councilmember Cooper questioned the following claims: page 12, items #957693 & 957694 to the Livingston Enterprise. Finance Officer Shirley Ewan explained these bills were not received and were outstanding from last fiscal year. Stacy Sunvison has met with the Enterprise to get the bills up to date.

Page 14, item #957728 to Pamida. Supt. Of Public Services Ken Kastelitz stated that these items were for Code Enforcement and the Garbage Trucks.

Councilmember Dahl questioned page 11, item #957683 to Honeywell. Ms. Dahl stated that the Council has discussed looking into the Honeywell contract in the past and requested that the City Manager provide them with an update by the next meeting.

Motion was made by Dahl, second by Williams, to approve Resolution No. 2861, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, ANNEXING BY PETITION TRACT M OF CERTIFICATE OF SURVEY NO. 170A WHICH IS LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 2 SOUTH, RANGE 9 EAST. All in favor. Motion passed.

Motion was made by Williams, second by Cooper, to approve Resolution No. 2862, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, AMENDING THE CONDITIONAL OFFER OF EMPLOYMENT TO ROBERT SCHMIDT FOR THE POSITION OF FIRE CHIEF OF THE LIVINGSTON FIRE DEPARTMENT AND AUTHORIZING CITY MANAGER TO SIGN THE AMENDED CONDITIONAL OFFER OF EMPLOYMENT. Councilmember Dahl explained her written request to the City Manager which were included in the packet on pages 31 & 32. Ms. Dahl questioned if the City would like to ratify old or new job descriptions as the City Manager develops them. That Council should give him direction on this.

Included in the packet was a November 13, 1997 memo from the Chairman of the Development Review Committee recommending that the City annex the property for the proposed Post Office Annex subject to conditions identified in the memo. The current owners of the property do not want it annexed if the Postal Service does not purchase the property.

City Planner provided Council with a map of the property. Council took a ten minute break to review the plans. Supt. Of Public Services Clint Tinsley asked for a commitment from Council and to answer Council's questions. Council then took another ten minute break to allow the City Attorney time to look up a State Statute.

Supt. Tinsley stated the proposed site plan was within the City's ordinances and requirements for landscaping. The Post Office agrees to widen and pave Jefferson Street, install curbs, gutters and sidewalks, and to develop the boulevard, and plant trees every 25' where the area will allow. Mr. Tinsley noted that there are some approaches off of Jefferson Street to some storage units where they will not be able to plant trees.

The Post Office agreed to extend the water main from behind Pamida and connect it to the main on Globe Street, as that would give the City a looped line to provide more fire flow for that area. The Post Office has agreed to extend the sewer main to the far end of their property. The DRC reviewed and approved the storm water retention plan and the storm water drainage plan.

Paving of Cottonwood Street will not be done as the Post Office has identified that it is not wide enough to use as a roadway and looking at the legal description of Cottonwood Street, it is not a dedicated County road that the City could annex and maintain, or that the County could give to the City. The Post Office changed the site plan to show that all accesses will be off Highway 10 on Jefferson Street.

After reviewing the site plans and all the conditions set forth, the DRC recommends that the City Manager recommend that the Council approve the site plan and approve the annexation of the property once the Post Office purchases it and requests annexation. The City did not want to annex the property before the purchase is done, but needed to give the Post Office a commitment that it will be annexed if the conditions are met.

Discussion was heard between Staff, Council and Bryant Schroeder of the Postal Service. Mr. Schroeder stated that if any additional lights are needed, the Postal Service will have them installed.

A public comment was heard from Barbara Dean.

Motion was made by Williams, second by Dahl, to approve the conditions of the annexation for the proposed Post Office Annex property subject to purchase of said property by the Postal Service and will determine at a future time whether another street light is necessary, and if so, the Post Office will go to the expense of putting in additional street lighting.

All in favor. Motion passed.

Discussion was heard to the defining of "Recreation Purposes" to the Skillman Estate consisted of. A letter was received from Yardley & Yardley, Attorneys at Law on this bequeathment of \$102,590.93. Mayor Mikesell stated that a relative

of Mr. Skillman was willing to come to the next meeting and talk to Council about what Mr. Skillman may have wanted the City to do with the money.

Finance Officer Shirley Ewan has put the money into a 6% CD. City Manager Golnar's suggestion was to put the money into the above type of fund and distribute the interest from this fund for one time annual expenses and improvements for recreational purposes as the City comes to define that. Mr. Golnar stated that the money cannot be used until FY 98-99.

Councilmember Cooper asked Supt. Kastelitz if he had any suggestions on what the money could be used for. Supt. Kastelitz suggested a few items. Mr. Kastelitz will provide Council with a list of his suggestions.

A public comment was heard from Barbara Dean.

Council stated they would like to use the interest and not the principal and does not feel that Mr. Skillman's cousin needs to attend the next meeting, but to let him know that Council appreciates his comments.

Motion was made by Williams, second by Dahl, that Council appoint Chan Libbey Jr. to a three year term retroactive May 1997 through May 2000 and also appoint Rick Loftice to a three year term retroactive May 1996 through May 1999. Motion passed.

Discussion on voting procedure was heard. Attorney Becker wrote a summary on concerns on whether the Mayor has the power to vote or not in response to a question by Councilmember Dahl. Mr. Golnar did provide in the addendum, excerpts from Chapter 2, "Government and Administration" in the Livingston City Codes.

Councilmember Dahl commented on Council's privilege to vote and that Council is elected as five voting members. Ms. Dahl proceeded to give her opinion on Mayor voting procedures and would like in the next term, the Mayor be a part of the voting procedure as it is in the Municipal Codes. Ms. Dahl asked that the City Attorney answer if Robert's Rules supersedes that Municipal City Code Book. City Attorney Bruce Becker agreed that the Mayor should vote and also stated that in talking with Pat Mikesell earlier in the day, that many years ago there was a feeling between that Council, that the Mayor should be a neutral officer and should only vote to break a tie. Attorney Becker added further information about legislative law and stated there is additional research on a couple of ordinances he still needed to do.

Ms. Dahl stated that this comes from when Mayor Dennis was in office and set precedence with the change in government that went to Manager-Commission form of government. Ms. Dahl stated that this may be the opportunity for Council to move forward with the times.

Mayor Mikesell stated that he did not understand why Ms. Dahl was attacking him. Mayor Mikesell stated that she is doing this at the end of a two year term and he has been Mayor for four years and went on to say, that if this Council would have proposed doing this at the beginning of the two years, he would not have had a problem with it. But for the last four years, the Council has been following Robert's Rules. Mayor Mikesell stated that this should have been brought up to the next Council.

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November 17, 1997
Agenda Item #8.D.5.:

Discuss Defining Recreational Purposes - Skillman
Estate

City Attorney Becker has requested further definition of the meaning of "Recreational Purposes" as described for the intended use of this Skillman donation. Enclosed is an October 30, 1997 letter from Dan Yardley describing this requirement and a copy of the check in the amount of \$102, 590.93. Mr. Becker has requested further definition and description of preferred uses of this money and I hope to be able to incorporate this into the packet prior to its distribution.

RECOMMENDATION:

My suggestion is that we put the funds received into a trust and distribute the interest from these funds for one time expenditures and improvements for "Recreational Purposes" as is to be defined by the City Council. These funds would not be used until FY 98-99. And they should primarily benefit City owned and operated facilities and recreational programs.

EXHIBIT

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RESOLUTION NO. 2866

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVINGSTON, MONTANA, DEFINING RECREATIONAL PURPOSES IN RESPECT TO THE BRYANT SKILLMAN BEQUEST.

WHEREAS, Bryant Skillman has made a bequest to the City of Livingston in the amount of \$102,590.93 and 1/3 interest in land located in California "to be used for recreational purposes;" and

WHEREAS, Dan Yardley, his attorney, has advised that it was Bryant Skillman's intent that the funds be used for a recreational project of a nature that would not be completed otherwise which would be of a benefit to the community and not to be used as a supplement to the City's recreation budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Livingston, Montana, as follows:

That the bequest of Bryant Skillman be used for "recreational purposes" which are hereby defined as being any purpose as determined by the City Council which benefits the city's public recreation programs or parks, whether by acquisition or construction, or enhancement of facilities, i.e. skating rinks, swimming pools, playgrounds, equipment, civic centers, youth centers, the acquisition or development of green space and parkland or a special project approved by the City Council which enhances the City's public recreational programs. The money shall not be used to pay operating expenses, maintenance, repairs or salaries in the recreation and parks department nor in any other manner supplement the City's annual recreation and parks operating budget.

BE IT FURTHER RESOLVED, by the City Council that commencing Fiscal Year 1998-1999, the City Council may decide either to use only the interest earned during the prior year from the Skillman Bequest for one specific recreational purpose as defined herein or, in the alternative, reinvest and accumulate the interest for a more expensive recreational purpose, it being the intent to use interest only until a worthy recreational purpose is developed by the City Council for the entire bequest.

PASSED AND ADOPTED by the City Council of the City of Livingston, Montana, this 15th day of December, 1997.



PAT MIKESELL - Mayor

ATTEST:

Julianne Brown
JULIANNE BROWN
Recording Secretary

APPROVED AS TO FORM:

Bruce E. Becker
BRUCE E. BECKER
City Attorney

From: Prince E. Pierson <pepierson@verizon.net>
Sent: Friday, July 29, 2016 10:53 AM
To: Erik Coate
Cc: Bonnie Dorf
Subject: RE: Estate of Bryant Skillman

Thank you for your inquiry in this matter.

In reviewing our files and to my knowledge, there were no specific requests or 'strings' attached for the beneficiaries to act in any specific manner.

You should proceed with your best intentions and judgment.

A few years ago my wife and I visited Yellow Stone Natl Park and exited northerly to Livingston. We enjoyed the environment and the City.

Prince E. Pierson, Fiduciary

Backup material for agenda item:

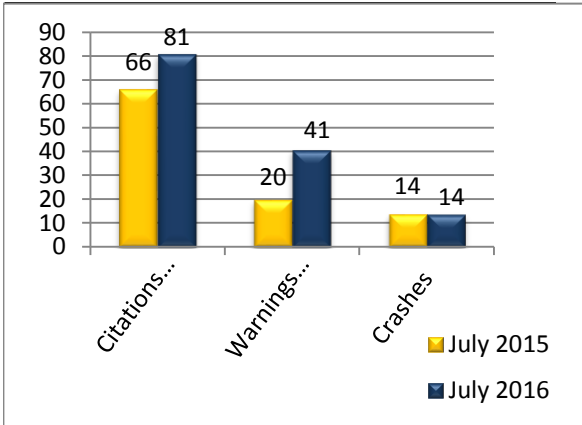
Monthly Report for LPD - July 2016



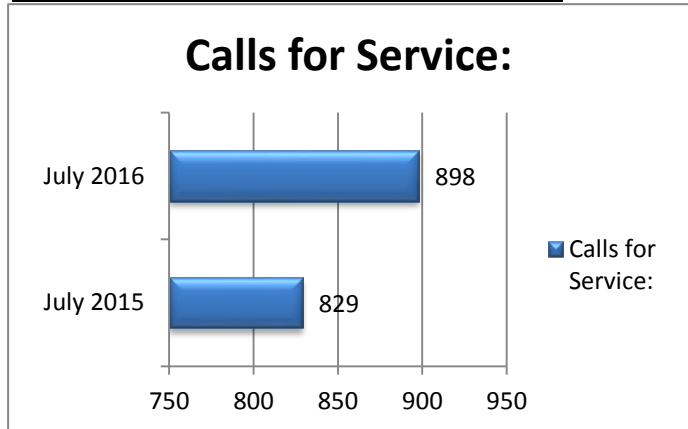
Livingston Police Department Monthly Report - July 2016



	July 2015	July 2016
Citations written	66	81
Warnings written	20	41
Crashes	14	14



	July 2015	July 2016
Calls for Service:	829	898



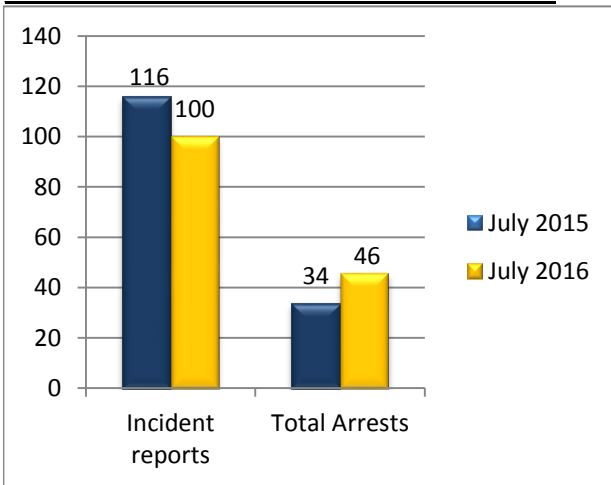
Notes:

During these summer months please remember DO NOT leave your pets inside your vehicle. It becomes extremely hot inside a vehicle in a very short time.

We received a total of 55 complaints concerning animals 20% of those calls were concerning animals inside of parked vehicles.

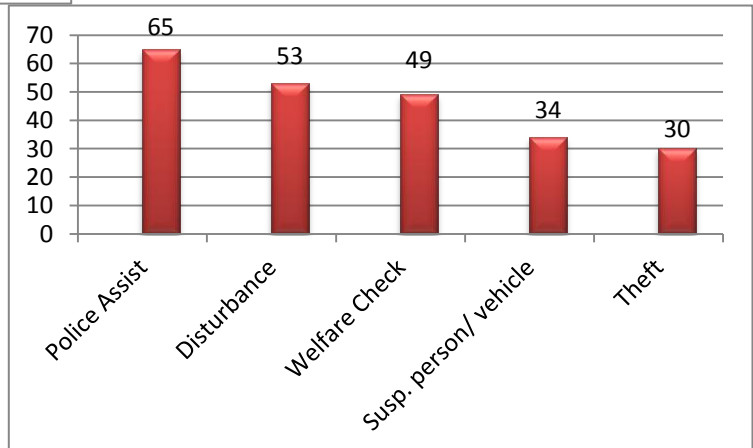
We are very proud to announce that Officer Sullivan and Officer Hildebrand have both successfully completed their probationary periods and are now permanent members of the LPD.

	July 2015	July 2016
Incident reports	116	100
Total Arrests	34	46



Top 5 categories investigated by the LPD in July

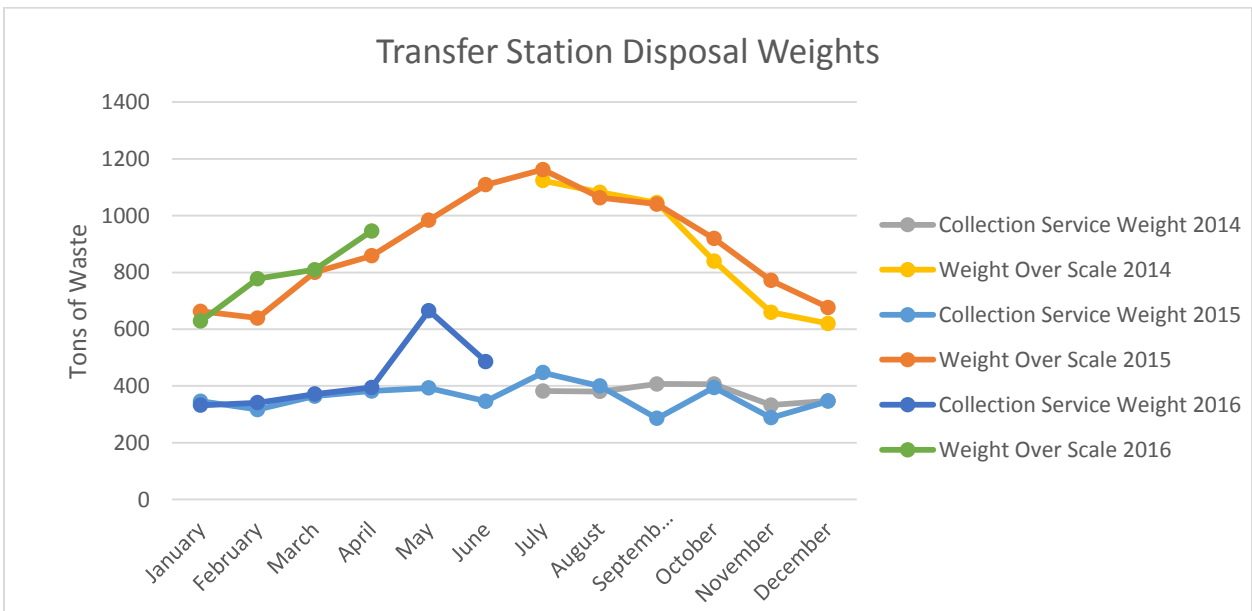
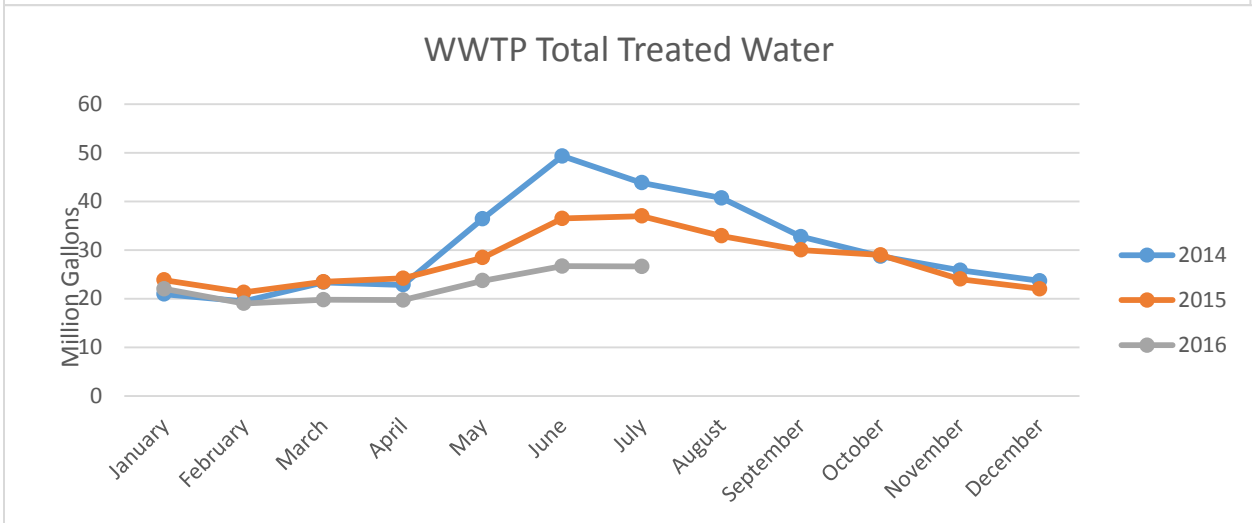
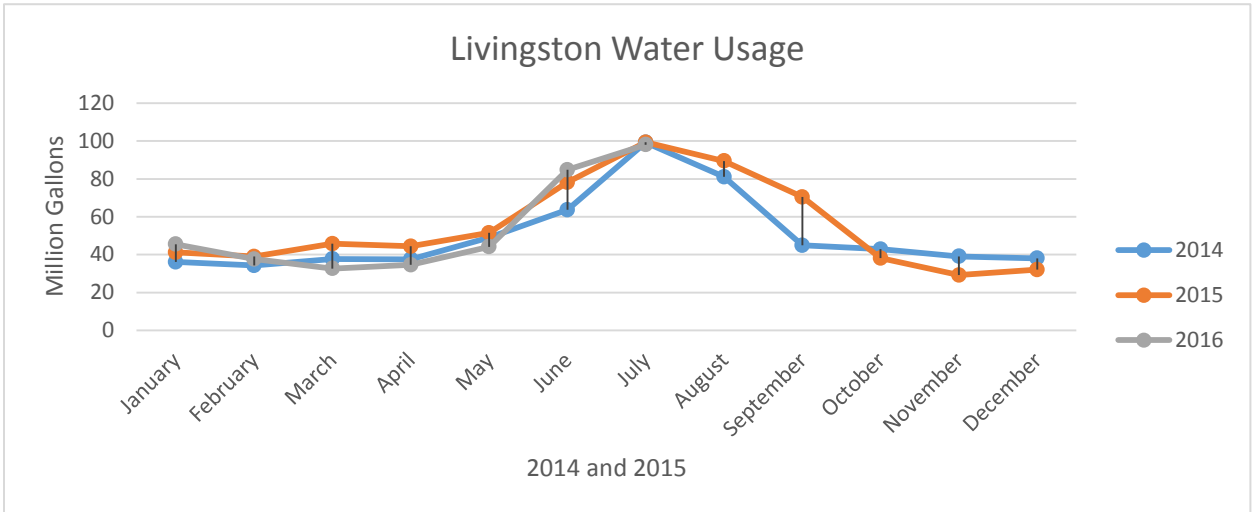
- 1- Police Assist **65**
- 2- Disturbance **53**
- 3- Welfare Check **49**
- 4- Susp. person/ vehicle **34**
- 5- Theft **30**



Backup material for agenda item:

Public Works Monthly Update July 2016

Public Works Operations



Project	Details	Status
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Public Works Projects

Soccer Field's Field House	Construction of a field house at soccer complex.	Finishing touches are being made to the building. Final Inspection was Thursday the 4 th .
2015 Capital Improvement Project	Water and Sewer lines will be upgraded in alley between Main and B Street from Callender to Geysler.	Williams Construction finished major work on the project and is working on completing punch list items.
Transportation Alternatives Sidewalk Project	Replacing sidewalk approaches at 5 th and E street intersections with ADA approved ramps, curb and gutter.	Project is nearing completion and final walk through is expected in the next couple weeks. Once AV Construction has completed their portion the city will begin work on the street at 5 th and Gallatin.
O Street Trail	Creating a pedestrian and bike trail connecting O Street and the Veterans Bridge.	Stahly Engineering completed the design. Administration has met with MDT officials to discuss the project. This project is a priority to apply for a TA grant.
Summit Street Repair	Fix Summit Street between Main and B Street by regrading and paving street.	Project is designed. Funding sources are being looked at.
WRF Upgrades	Upgrading current plant to better treat waste water to meet new DEQ regulations and allow for growth.	For updates see website at www.livingstonwrf.com Equipment procurement documents are being prepared to advertise. A RBC unit was repaired and reinstalled 6/20/16 on the current plant.
Sun Ave Sewer and Culvert	Due to inadequate storm drainage the north side of the culvert has experienced a rapid erosion issue and is currently closed to pedestrians. Using video it was determined that the main has a low spot that needs immediate attention.	TD&H has designed a retaining wall and storm drain system. Bainter Construction has begun work on the project.
Murdoch's Infrastructure	Extension of Water and Sewer from Willow Drive to Travertine Lane. Upgrades to Streets on Willow Drive, Travertine Lane, and Billman Lane.	Building Construction has begun. Work on city infrastructure is scheduled to begin in August.
6 th and 7 th Street Water Upgrades	Replacing water mains in S 6 th and	Design work has been sent to DEQ

	7 th Street. Two of the lines in town that have been the most prone to breaking and leaking.	for approval.
Sewer Main Replacement	Replacing Sewer Main between 9 th and 10 th street from Geysers to Crawford.	Public Works and TD&H are working on securing Cost Estimates. Work is slated for this fall.
Pressure Reducing Valve	Connecting pressure zones and tanks in our water system to better serve in case of high water use from fires or main breaks.	Public Works is working on Cost Estimates from local contractors. Work is slated for this fall.
Skate Park	Building of a skate park to the east of civic center.	Geotech investigation and report has been completed. Next stage involves site plan for entire civic center area and design of skate park.
Callender Street CIP Project	Infrastructure improvements from 2 nd to B Street along Callender.	