



Livingston City Commission Minutes

July 06, 2021

5:30 PM

City – County Complex, Community Room

1. Call to Order

2. Roll Call

In attendance: Chair Hogle, Vice-Chair Schwarz, Commissioner Friedman, Commissioner Mabie and Commissioner Nootz in attendance. Staff in attendance: City Manager Michael Kardoes; City Attorney Courtney Lawellin; Public Works Director Shannon Holmes; Finance Director Paige Fetterhoff; and City Clerk Faith Kinnick.

3. Moment of Silence

4. Pledge of Allegiance

5. Public Comment (00:02:20)

- Dave Maravetz gave public comment
- Hogle asked Kardoes for clarifying information
- Nootz made additional comments (00:08:48)
- Friedman made comments (00:09:39)
- Schwarz made comments (00:11:45)
- Hogle made comments (00:12:12)

6. Consent Items (00:12:29)

A. APPROVE MINUTES FROM JUNE 15, 2021 REGULAR MEETING.

B. RATIFY CLAIMS PAID 06/11/2021-06/22/2021.

C. APPROVE JIM BARRETT'S APPLICATION TO CITY PLANNING BOARD, FILLING A MEMBERS SEAT WITH TERM ENDING ON DECEMBER 31, 2021. (ATTACHED AS ADDENDUM #1)

- Motion by Mabie, second by Schwarz.
 - All in favor, passes 5-0.

7. Proclamations

8. Scheduled Public Comment

9. Public Hearings

10. Ordinances (00:13:36)

A. ORDINANCE NO. 3012: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING SECTION 30.13 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED OFFICIAL ZONING MAP OF THE CITY OF LIVINGSTON BY ZONING PARCELS GENERALLY KNOWN AS 1014 AND 1016 W. PARK STREET AND LEGALLY DESCRIBED AS SECTION 13, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #502, 120 BRONSON COSMIC ENTERPRISES INC (IMPT ON #28000), AND SECTION 24, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), BENEFICIAL USE OF MRL R/WAY LEASE #500664 MELIN & ASSOCIATES INSURANCE AGENCY (IMPT ON #27950), AS HIGHWAY COMMERCIAL (HC).

- Kardoes gave opening statements
- No public comments
- Nootz made comments (00:17:36)
- Hogleund asked clarifying questions (00:18:29)
- Motion by Mabie, second by Schwarz.
- All in favor, passes 5-0.

B. ORDINANCE NO. 3013: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II, ARTICLE IV, and ARTICLE V, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING, AS IT PERTAINS TO TINY HOMES, MANUFACTURED AND MODULAR HOMES. (00:20:29)

- Hogleund stated item is pulled from discussion and consideration, asked Kardoes to clarify.
- The intent is to re-write and clean up current existing code. However, this current version created a couple of conflicts, sending back to the City Planning Board for clarification. Will bring back at a future date.
- Nootz commented she appreciated the pause (00:28:00)

C. ORDINANCE NO. 3014: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE V, ARTICLE VII, ARTICLE VIII, and ARTICLE IX, CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING AS IT PERTAINS TO FEES AND PERMITTING. (00:28:49)

- Kardoes gave opening statements
- No public comments
- Nootz asked clarifying question (00:33:12)
- Hogleund made comments (00:36:42)
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0.

D. ORDINANCE NO. 3015: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING ARTICLE II OF THE LIVINGSTON MUNICIPAL CODE ENTITLED CITY COMMISSION AND CHAIR, AMENDING SECTION 2-12 AS IT PERTAINS TO LOCATION OF CITY COMMISSION POSTING

BOARD, AMENDING SECTION 2-16 AS IT PERTAINS TO THE PROCESS FOR SETTING AGENDA, AMENDING SECTION 2-19 BY PERTAINING TO THE PROCEDURE TO CONDUCT BUSINESS. (00:37:08)

- Kardoes gave opening statements
- No public comments
- Hogleund made comments (00:41:44)
- Schwarz made comments (00:43:56)
- Nootz made comments (00:44:56)
- Kardoes advised due to changes may see more addendums (00:44:50)
- Hogleund made additional comments about previous changes (00:45:41)
- Kardoes advised previous code changes received from vendor today (00:46:01)
- Mabie made comments (00:47:49)
- Motion by Mabie, second by Schwarz
 - All in favor, passes 5-0.

E. ORDINANCE NO. 3016: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO AMEND CHAPTER 27 OF THE LIVINGSTON MUNICIPAL CODE SECTION 27-3 ENTITLED MEMBERSHIP OF THE PLANNING BOARD, TERMS OF OFFICE AN QUALIFICATIONS, BY ADDING TWO (2) ADDITIONAL MEMBERS TO THE CITY PLANNING BOARD. (00:48:48)

- Kardoes gave opening statements
- Johnathan Hettinger gave public comments (00:50:32)
- Schwarz made comments (00:53:26)
- Nootz made comments (00:54:25)
- Hogleund asked clarifying question (00:59:44)
- Kardoes answered (01:03:21)
- Mabie made comments (01:07:45)
- Motion by Schwarz, second by Mabie.
 - Passes 4-1, Nootz against.

12. Action Items attached as addendum #2, combined and moved to next item of business (01:11:39)

- A. DISCUSS/APPROVE/DENY: THE OWL LOUNGE REQUEST FOR WAIVER OF ENFORCEMENT OF CITY CODE ARTICLE 1, SECTION 10-5, ALLOWING THE PLAYING OF LIVE MUSIC UNTIL MIDNIGHT, ON JULY 17 FOR PBR AFTER PARTY.**
- B. DISCUSS/APPROVE/DENY: THE OWL LOUNGE REQUEST TO GRANT A SPECIAL EXCEPTION TO LIVINGSTON CITY CODE ARTICLE II, SECTION 10-7, C, ENTITLED CARRYING OPEN CONTAINERS IN PUBLIC, BY WAIVING**

ENFORCEMENT OF CITY CODE DURING EVENT, LIMITED TO BOUNDARIES OF THE AMERICAN BANK PARKING LOT ON JULY 17 FOR PBR AFTER PARTY.

- Kardoes gave opening statements
- No public comments
- Mabie asked questions (01:12:40)
- Hogleund made comments (01:13:55)
- Motion by Schwarz, second by Mabie.
 - All in favor, passes 5-0

11. Resolutions (01:14:22)

A. RESOLUTION NO. 4969: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, GIVING NOTICE THAT THE CITY COMMISSION HAS COMPLETED ITS PRELIMINARY BUDGET IN THE AMOUNT OF \$22,935,549 FOR THE FISCAL YEAR BEGINNING ON JULY 1, 2021, AND ENDING JUNE 30, 2022, (FY 22), THAT THE BUDGET IS ON FILE AND AVAILABLE FOR PUBLIC INSPECTION AND ON THE INTERNET AT www.livingstonmontana.org, AND CALLING FOR A PUBLIC HEARING FOR APPROVAL OF THE FINAL BUDGET AND MAKING APPROPRIATIONS.

- Kardoes gave opening statements
- No public comments
- Nootz asked clarifying questions (01:15:31)
- Kardoes answered (01:17:10)
- Hogleund made comments (01:17:57)
- Nootz made comments (01:18:00)
- Motion by Mabie, second by Nootz.
 - All in favor, passes 5-0

B. RESOLUTION NO. 4970: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF IT'S INTENT TO ADJUST ALL RATES FOR ALL CUSTOMERS OF THE CITY OF LIVINGSTON WATER SYSTEM. (01:20:48)

- Kardoes gave opening statements
- No public comments
- Nootz made comments (01:23:53)
- Hogleund asked clarifying questions (01:24:47)
- Shannon Holmes, Public Works Director made comments (01:25:22)
- Motion by Schwarz, second by Friedman.
 - All in favor, passes 5-0

****5-minute recess**** (01:28:43)

C. RESOLUTION NO. 4971: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ADJUST ALL RATES FOR

**ALL CUSTOMERS OF THE CITY OF LIVINGSTON WASTEWATER SYSTEM.
(01:36:10)**

- Kardoes gave opening statements
- No public comments
- Mabie made comments (01:37:48)
- Motion by Mabie, second by Nootz.
 - All in favor, passes 5-0

**D. RESOLUTION NO. 4972: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO SPECIFY THE ASSESSMENT OPTION FOR STREET MAINTENANCE AND IMPROVEMENTS DISTRICT NO. 1 FOR THE FISCAL YEAR 2021- 2022 IN AN ESTIMATED AMOUNT OF \$1,278,988, LEVY AND ASSESS ALL PROPERTY WITHIN THE DISTRICT.
(01:38:56)**

- Kardoes gave opening statements
- No public comments
- No commissioner comments
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0

E. RESOLUTION NO. 4973: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO ESTIMATE THE COST OF MAINTAINING LIGHTS AND SUPPLYING ELECTRICAL CURRENT TO SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 IN THE AMOUNT OF \$84,600 FOR THE FISCAL YEAR 2021-2022 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. (01:43:08)

- Kardoes gave opening statements
- No public comments
- Nootz made comments (01:44:48)
- Shannon Holmes, Public Works Director made comments (01:45:16)
- Motion by Schwarz, second by Friedman
 - All in favor, passes 5-0

**F. RESOLUTION NO. 4974: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, OF ITS INTENT TO MODIFY SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 20 BY REPLACING STREET LIGHTS AND OTHER APPURTENANCES THEREIN AND TO LEVY AND ASSESS 100% OF THE ESTIMATED COSTS OF \$65,000 FOR THE FISCAL YEAR 2021-2022 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.
(01:49:23)**

- Kardoes gave opening statements
- No public comments
- Hogleund made comments (01:51:28)
- Motion by Mabie, second by Friedman
 - All in favor, passes 5-0

G. RESOLUTION NO. 4976: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AUTHORIZING THE CITY MANAGER TO APPLY FOR MINIMUM ALLOCATION GRANTS AND THE COMPETITIVE GRANT PROGRAM OF THE AMERICAN RESCUE PLAN ACT AND AUTHORIZATION TO COMMIT UP TO \$500,000.00 IN MATCHING FUNDS FOR THE MINIMUM ALLOCATION GRANT AND \$2,000,000 FOR THE COMPETITIVE GRANT PROGRAM. (01:52:46)

- Kardoes presented an overview of the ARPA federal funds made available targeted to help with the direct costs associated with COVID-19 or for water and sewer infrastructure projects. Additional new federal program running concurrent with APRA funds presents opportunities for additional grant funds available. See page 207 & 208 of packet.
- Schwarz asked clarifying questions (02:01:47)
- Nootz asked clarifying question (02:07:17)
- Shannon Holmes made comments about his communications Green Acres residents on the preliminary engineering study and availability of federal funding to help offset costs for those residents. (02:09:11)
- Hogleund made comments (02:
- Mabie made comments (02:
- No public comments
- Motion to amend Resolution 4976 to increase the minimum allocation grant to \$3,500,000 by Schwarz, second by Friedman
 - All in favor, passes 5-0

13. City Manager Comment (02:14:10)

- Tiny Homes ordinance will come back before the commission for future consideration.
- Shout out to Public Works and other staff who helped with the 4th of July festivities.
- Rest of the staff preparing to move to new City Hall building, as soon as IT is available to move computers over, should be moved in by the end of next week.
- Will get draft agenda to Chair by Wednesday.

14. City Commission Comments (02:15:53)

- Nootz (02:15:52)
- Mabie (02:21:18)

- Friedman (02:22:10)
- Schwarz (02:23:23)
- Hoglund (02:25:00) Chair Hoglund will not be at the July 20, 2021 meeting.

15. Adjournment 8:00 p.m. (02:28:26)