



Livingston City Commission Minutes

March 01, 2022

5:30 PM

Via Zoom

<https://us02web.zoom.us/j/82051155100?pwd=c0czNU1MUUV1Ymw1eFRmVkRXUmY3QT09>

Meeting ID: 820 5115 5100 **Passcode: 425883** Call In: 1 669 900 6833

1. Call to Order

2. Roll Call

In attendance: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, Commissioner Lyons. Staff in attendance: City Manager Michael Kardoes, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, Project Manager Martha O'Rourke and City Clerk Faith Kinnick.

Nootz requested to move Action Item A from the regular order of business, to immediately after the tree boards presentation. All concurred.

3. Public Comment

- Jessie Wilcox on behalf of the Livewell 49
 - Nootz asked clarifying question

4. Consent Items 5:39 p.m. (00:08:20)

A. APPROVE MINUTES FROM FEBRUARY 1, 2022 REGULAR MEETING.

B. RATIFY CLAIMS PAID 02/02/2022-02/15/2022.

C. APPROVE ALLOCATION OF SPECIAL PARKING SPACE RESERVED FOR DISABLED RESIDENT CHARLES FAY.

D. ACCEPTING LISA HARRELD'S APPLICATION TO SERVE ANOTHER TERM ON THE CITY TREE BOARD.

- Nootz motioned to approve B-D, pulling A for discussion, second by Kahle
- All in favor, passes 5-0
- Nootz regarding Consent Item A in the minutes from the Joint Resolution 2022-1, motion was made by Kahle, second by Lyons to table the item for consideration at next meeting, not reflected in minutes. Clerk will amend February 15, 2022 minutes.
- Kahle motioned to approve minutes with the amendment to add the vote. Second by Lyons.

All in favor, passes 5-0.

5. Proclamations

6. Scheduled Public Comment 5:42 p.m. (00:11:26)

A. MARSHALL SWEARINGEN OF CITY TREE BOARD PRESENTS 2021 ANNUAL REPORT.

- Kardoes gave opening statements
- Nootz made comments
- Schwarz made comments

10. Action Items 5:46 p.m. (00:15:14)

A. DISCUSS/APPROVE/DENY: CITY TREE BOARD RECOMMENDATION FOR TEXT AMENDMENTS TO CITY TREE BOARD BY-LAWS.

- Kardoes made opening statements
 - Motion by Schwarz, second by Friedman
 - No public comments
 - Nootz made comments
- All in favor, passes 5-0.

B. SHANNON HOLMES, PUBLIC WORKS DIRECTOR, WITH PUBLIC WORKS PROJECTS UPDATE. 5:49 p.m. (00:18:29)

- Nootz asked questions
- Lyons asked questions
- Schwarz made comments
- Kahle made comments
- Friedman made comments

7. Public Hearings

8. Ordinances (00:41:33)

A. ORDINANCE NO. 3027: 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 26 FLESHMAN CREEK ROAD AND LEGALLY DESCRIBED AS COS 543 IN SECTION 14, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS MEDIUM DENSITY RESIDENTIAL (R-II).

- Kardoes made opening statements
 - Kardoes noted errors in the staff report on page 42 read R-III, and after reviewing the Zoning Commission meeting recording, the recommendation was for R-II.
 - Nootz noted another reference to R-III and incorrect description in the findings of fact text on page 40 under objective 5.1.4.
 - Lyons made additional comments regarding noted errors.
 - Nootz asked clarifying question
 - Kardoes answered
 - Motion by Lyons, second by Schwarz.
 - No public comments
 - Lyons made comments, supports R-II designation
 - Kahle made comments, concurs with Lyons.
 - Schwarz made comments, concurs with Lyons.
- All in favor, passes 5-0.

C. ORDINANCE NO. 3028: 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 25 LOVES LANE AND LEGALLY DESCRIBED AS Lot 5-A OF THE LAHREN MINOR SUBDIVISION IN SECTION 23, TOWNSHIP TWO SOUTH (T02S), RANGE NINE EAST (R09E), AS HIGH-DENSITY RESIDENTIAL (R-III). 6:23 p.m. (00:52:37)

- Kardoes made opening statements
 - Nootz asked clarifying questions
 - Kardoes answered
 - Holmes made additional comments
 - Motion by Lyons, second by Kahle
 - No public comments
 - Lyons made comments, supports R-III
 - Kahle made comments, concurs
- All in favor, passes 5-0.

D. ORDINANCE NO. 3029: 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 WITHIN THE MONTAGUE SUBDIVISION NORTH OF BENNETT STREET EXCLUDING BLOCK 3, LOT 5-14 AND BLOCK 3 AND A PORTION OF LOTS 22-26, AND INCLUDING THE ADJACENT ISLAND IN THE YELLOWSTONE RIVER LOCATED IN THE NE1/4

OF SECTION 7 (S07), TOWNSHIP TWO SOUTH (T02S), RANGE TEN EAST (R10E) AS MIXED-USE (MU), MEDIUM DENSITY RESIDENTIAL (R-II), AND PUBLIC (P) AS SHOWN IN EXHIBIT A. 6:33 p.m. (01:02:56)

- Nootz asked clarifying questions regarding zoning R-III
 - Kardoes made opening statements
 - Nootz asked clarifying questions
 - Kardoes provided additional comments
 - Lawellin provided additional comments
 - Motion by Schwarz to approve with amendment from R-III to R-II, second by Friedman
 - No public comments
 - Lyons made comments supports Zoning Commission recommendation
 - Nootz made comments
 - Kahle concurs with Lyons
 - Schwarz concurs with Lyons
- All in favor, passes 5-0

** Ten-minute Recess**

9. Resolutions 7:09 p.m. (01:28:36)

A. RESOLUTION NO. 5019: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING, FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE 6TH & 7TH STREET WATER PROJECT, AND AUTHORIZATION TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY.

- Kardoes turned meeting over to Holmes
 - Schwarz motioned to approve, second by Friedman
 - No public comment
 - Schwarz made comments
 - Kahle made comment
- All in favor, passes 5-0

B. RESOLUTION NO. 5020: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A GENERAL SERVICES AGREEMENT WITH ASKIN CONSTRUCTION, INC., FOR CONSTRUCTION OF THE 6TH & 7TH STREET WATER PROJECT, AND AUTHORIZATION TO EXECUTE THE AGREEMENT

TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:15 p.m. (01:34:39)

- Kardoes made opening statements
 - Holmes made presentation
 - Kahle asked clarifying questions
 - Nootz inquired about contingency funds
 - Motion by Schwarz, second by Friedman
 - No public comment
 - Nootz would like to amend original Resolution by adding 10% language to contingency fund. Schwarz, Kahle and Lyons concur.
 - Schwarz made motion to amended Resolution by adding 10% contingency language, second by Kahle
- Roll call on amendment to the motion, all in favor, passes 5-0.
Roll call on original motion approving Resolution 5020, all in favor, passes 5-0.

C. RESOLUTION NO. 5021: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING FOR ENGINEERING SERVICES FOR THE REGIONAL SEWER EXTENSION PROJECT, AUTHORIZATION TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:26 p.m. (01:45:07)

- Kardoes made opening statements
 - Holmes made presentation
 - Schwarz asked clarifying questions
 - Nootz made comments
 - Friedman made comments
 - Kahle motioned to approve with amendment adding 10% contingency fund, \$165,000. 00second by Friedman
 - No public comments
 - Schwarz made comments
 - Nootz made comments
- All in favor, passes 5-0

D. RESOLUTION NO. 5022: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH TD&H ENGINEERING FOR ENGINEERING SERVICES FOR THE STORM-WATER PRELIMINARY ENGINEERING REPORT, AUTHORIZE THE CITY MANAGER

TO EXECUTE THE AGREEMENT TO INCLUDE THE USE OF CONTINGENCY FUNDS AS DEEMED NECESSARY. 7:39 p.m. (01:58:42)

- Kardoes made opening statements
 - Holmes made presentation
 - Nootz asked for clarification about MS4 requirements
 - Kahle made comments
 - Schwarz motioned to approve, second by Kahle
 - No public comments
 - Holmes made additional comments
 - Nootz made comments
- All in favor, passes 5-0

E. JOINT RESOLUTION NO. 2022-01: A JOINT LOAN RESOLUTION OF THE CITY OF LIVINGSTON, AND PARK COUNTY, MONTANA, APPROVING A LOAN IN THE AMOUNT OF \$50,000.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.625 PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON, MONTANA, AND COUNTY OF PARK MONTANA, FOR THE PURPOSE OF CONSTRUCTION OF TAXIWAYS AT MISSION FIELD AIRPORT, IN LIVINGSTON MONTANA, PROVIDING FOR THE REPAYMENT OF THE LOAN TERMS THEREOF. 7:52 p.m. (02:10:06)

- Kardoes made request to remove Joint Resolution 2022-01 from the table, from previous meeting.
- Schwarz motioned, second by Friedman
- All in favor, passes 5-0.
- Kardoes made presentation
- Nootz disclosed Commission attended public meeting/tour of Mission Field Airport
- Kahle shared highlights from tour
- Friedman made comments
- Matt Whitman made comments
- Steve Koontz made comments
- Katie Weaver made comments
- Schwarz made comments
- Schwarz made motion to approve, second by Friedman
- Austin Timm made public comment
- Anne Buckley made public comment
- Sarah Stands made public comment
- Nootz asked for clarification from Whitman

- Lyons made comments
- Kahle made comments
- Schwarz made comments
- Nootz made comments
- All in favor, passes 5-0

F. JOINT RESOLUTION NO. 2022-02: A JOINT LOAN RESOLUTION OF THE CITY OF LIVINGSTON, AND PARK COUNTY, MONTANA, APPROVING A LOAN IN THE AMOUNT OF \$102,852.00, TOGETHER WITH INTEREST THEREON AT THE RATE OF 1.625 PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA TO THE CITY OF LIVINGSTON, MONTANA, AND COUNTY OF PARK MONTANA, FOR THE PURPOSE OF REHABILITATING THE RUNWAY OF THE GARDINER AIRPORT, IN GARDINER MONTANA, PROVIDING FOR THE REPAYMENT OF THE LOAN TERMS THEREOF. 8:31 p.m. (02:50:48)

Motion to extend the meeting by Schwarz, second by Kahle, passes 5-0.

- Kardoos made opening statements
- Matt Whitman made comments
- Kahle asked clarifying questions
- Lyons asked clarifying questions of Whitman
- Motion by Kahle, second Schwarz
- Steve Koontz made comments
- Austin Timm made comments
- Kahle made comments
- Schwarz made comments
- All in favor, passes 5-0

G. RESOLUTION NO. 5023: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON MONTANA, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE MONTANA HISTORIC PRESERVATION OFFICE FOR LOCAL HISTORIC PRESERVATION OFFICE. 8:47 P.M. (03:06:19)

- Kardoos made opening statements
- Nootz made comments
- Schwarz made motion, second by Lyons
- No public comments
- Nootz made comments
- All in favor, passes 5-0

11. City Manager Comment 8:50 p.m. (03:10:08)

- City Newsletter, and Spring Flyer will be delivered in March, will include the street sweeper schedule, Hiring Seasonal employees, Cemetery Clean-up day before Memorial Day, will try podcast “The Invisible City” instead of Facebook Live.

12. City Commission Comments 8:56 p.m. (03:15:07)

- Lyons- yield
- Schwarz- yield
- Friedman made comments
- Kahle made comments
- Nootz made comments

13. Adjournment 9:00 p.m. (3:19:17)

Public in virtual attendance

1. Steve Koontz
2. Matt Whitman
3. Sarah Stands
4. Anne Buckley
5. Patricia Grabow
6. Livingston Enterprise
7. Kris Lahren
8. Marshall Swearingen
9. “SC”
10. “MRM”
11. Phone user
12. Katie Weaver
13. Jessie Wilcox
14. Austin Timm