



Livingston City Commission Minutes

November 15, 2022

5:30 PM

Via Zoom & City Hall Conference Room
220 E. Park St. Livingston

<https://us02web.zoom.us/j/89731077359?pwd=enVZenNjdUcyOWtTa0JRvFlqaWJCZz09>

Meeting ID: 897 3107 7359 **Passcode: 389934** Call In: (669) 900-6833

1. Call to Order

2. Roll Call

In attendance: Chair Nootz, Commissioner Friedman, Commissioner Schwarz and Commissioner Lyons, Commissioner Kahle absent. Staff in attendance, City Manager Grant Gager, City Attorney Courtney Lawellin, Public Works Director Shannon Holmes, City Finance Director Paige Fetterhoff, City Project Engineer/Manager Martha O'Rourke, City Planning Director Jen Severson, and Recording Secretary Faith Kinnick.

3. Public Comment

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

- Patricia Grabow gave public comment
- Jane Jarrett gave public comment
- Barbara Able gave public comment
- Wendy Weaver gave public comment

4. Consent Items 5:44 p.m.

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

B. RATIFY CLAIMS PAID 10/26/2022-11/8/2022.

C. ACCEPTING THE CITY COURT REPORT FROM AUGUST AND SEPTEMBER 2022.

- City Manager added three clarifying edits to the minutes from 11/01/2022.
- Schwarz asked clarifying question
- Motion by Schwarz to approve consent items A-C, with Gagers amendments, second by Lyons.
All in favor, passes 4-0.

5. Proclamations 5:47 p.m.

A. A PROCLAMATION OF THE CITY COMMISSION, OF THE CITY OF LIVINGSTON MONTANA, RECOGNIZING SATURDAY NOVEMBER, 26, 2022, AS SMALL BUSINESS SATURDAY IN LIVINGSTON.

- Nootz read proclamation
- Gager made comments

B. A PROCLAMATION OF THE LIVINGSTON CITY COMMISSION RECOGNIZING THAT THE 2004 EDITION OF THE LIVINGSTON ROUNDUP RODEO WILL BE THE 100TH ANNIVERSARY OF THE 1924 INAUGURAL RODEO AND ENCOURAGES IN PARTICIPATION IN THE ENJOYMENT OF THE "100 BUCKING YEARS" EVENT.

- Nootz read proclamation
- Gager made comments
- Bruce Becker, made comments

6. Scheduled Public Comment

7. Public Hearings

Individuals are reminded that testimony at a public hearing should be relevant, material, and not repetitious. (MCA 7-1-4131 and Livingston City Code Section 2-21)

8. Ordinances

9. Resolutions 5:55 p.m.

A. RESOLUTION NO. 5068 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, TO ABANDON AN OLD RIGHT OF WAY IN NORTHTOWN SUBDIVISION LOT 3A AND TO CLEAR THE TITLE FOR THE PROPERTY WHICH WILL BE DESCRIBED AS NORTHTOWN SUBDIVISION PHASES 4A, 4B, AND 5.

- Gager introduced item
- Schwarz motioned to approve Resolution No. 5068, second by Friedman
- Garret Schultz gave comments
- Lawellin notified the Chair they need a motion to un-table the item
- Nootz asked clarifying questions
- Schwarz motioned to un-table Resolution, second by Friedman,
- All in favor, passes 4-0.
- Schwarz made comments

- Lyons made comments
- Nootz made comments
- Motion passes 4-0

B. RESOLUTION NO. 5072: A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT NO. 181; DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE THE DISTRICT FOR THE PURPOSE OF UNDERTAKING CERTAIN LOCAL SEWER IMPROVEMENTS AND FINANCING THE COSTS THEREOF AND INCIDENTAL THERETO THROUGH THE ISSUANCE OF SPECIAL IMPROVEMENT DISTRICT BONDS SECURED IN PART BY THE CITY'S SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND. 6:01 p.m.

- Gager introduced item
- Nootz asked clarifying questions
- No additional Commission clarifying questions
- Gager made comments before turning over to Holmes
- Holmes gave brief overview
- Gager made additional comments
- Nootz made comments
- Holmes made additional comments
- Gager made comments
- Nootz made comments
- Holmes offered additional clarifying comments
- Lyons asked clarifying questions of Holmes
- Holmes answered
- Nootz asked for a motion
- Friedman made motion to pass Resolution No. 5072, second by Lyons
- Hank Poeschl gave public comment
- Artis Stinementz gave public comment
- Bob Agle gave public comment
- Patty Ottman gave public comment
- JD Churchwell gave public comment
- Donna Poeschl gave public comment
- Nootz asked Gager to respond to public comments
- Holmes gave clarifying comments
- Ben Johnson, Bond Counsel made clarifying statements
- Nootz asked additional clarifying questions of Gager & Holmes
- Schwarz made comments

- Ben Johnson made additional clarifying comments
 - Friedman asked clarifying questions
 - Lyons made comments
 - Nootz made comments
 - Friedman made additional comments
- All in favor, passes 4-0

10. Action Items (6:54 p.m.)

A. DISCUSS/APPROVE/DENY: LIVINGSTON AREA CHAMBER OF COMMERCE REQUEST FOR OPEN CONTAINER ENFORCEMENT WAIVER, AND FEE WAIVER FOR THE 2022 DOWNTOWN HISTORIC CHRISTMAS STROLL.

- Gager introduced item
 - No clarifying questions from Commission
 - Patricia Grabow gave public comment
 - Lyons gave public comment
 - Motion by Schwarz, second by Lyons
- All in favor, passes 4-0.

B. DISCUSS/APPROVE/DENY: RETURNING TO IN-PERSON MEETINGS. 7:00 p.m.

- Gager introduced item
- Schwarz stated support for returning to City/County Complex
- Lyons stated support for facilitating virtual option
- Friedman stated support for returning to in-person meetings
- Nootz stated support for in-person meetings

11. City Manager Comment 7:07 p.m.

12. City Commission Comments 7:09 p.m.

- Lyons made comments
- Schwarz made comments
- Friedman made comments

13. Adjournment 7:12 p.m.

PUBLIC IN-PERSON AND VIRTUAL ATTENDANCE:

Bruce Becker	Jane Jarrett	Colleen Rehmer
Ardis Steinmetz	Michael Steinmetz	Patricia Grabow
Hank Poeschel	Dona Poeschl	Jim Meredith
MaryJo Meredith	Barb Angle	Bob Agle
Patty Ottman	JD Churchwell	Kris King-virtual
Matt McGee- virtual	Patrick Desotell	Stacy Jovick-virtual
Patti Smith- virtual	Wendy Weaver-virtual	Ben Johnson-virtual
Bridget Ekstrom- virtual	Spenser Bruce-virtual	

From: [Courtney Lawellin](#)
To: [Faith Kinnick](#)
Subject: FW: construction easement in Northtown
Date: Tuesday, November 15, 2022 7:22:12 PM

For inclusion in the comments on the abandonment

Courtney Lawellin

From: Chuck Donovan [mailto:donovanchar@gmail.com]
Sent: Tuesday, November 15, 2022 5:03 PM
To: Courtney Lawellin <clawellin@livingstonmontana.org>
Subject: Fwd: construction easement in Northtown

----- Forwarded message -----

From: **Chuck Donovan** <donovanchar@gmail.com>
Date: Tue, Nov 15, 2022 at 4:32 PM
Subject: construction easement in Northtown
To: Courtney Lawellin <clawellin@livingstonmontana.org>

This can easily be reticified by a simple realignment of the road at the boundry of section 14 and section 11 to join the existing construction easement in section 11. This realignment needs to occur in section 14.

From: [Courtney Lawellin](#)
To: [Faith Kinnick](#)
Subject: FW: construction easement in Northtown
Date: Tuesday, November 15, 2022 7:22:25 PM

Courtney Lawellin

From: Chuck Donovan [mailto:donovanchar@gmail.com]
Sent: Tuesday, November 15, 2022 4:32 PM
To: Courtney Lawellin <clawellin@livingstonmontana.org>
Subject: construction easement in Northtown

This easement is a construction easement granted to the owners of sections 2 , 11 , and 14 , T2S R9E by Peterson and Donovan with the caveat that once built the county would accept it as a dedicated county road. IN SECTION 2, Donovan portion of that road was granted to the county a public county right of way in 2000 which the county invited the public to use in 2006 with very little of the road constructed (The county planner claims their right of way is not a county road). The Capital improvement fund expired in 2011 which was the county's choice through a sunset clause without the county refunding any money for the lots that were sold. While it is true that the now owner of section 14 is forced to give easement to the owner of sec.11, it does not connect to the Mitchel ranch loop road which connects to Sec. 2. This action is forward planning for the benefit of the people of Park County and needs to be addressed.