



Livingston City Commission Minutes

May 16, 2023

5:30-8:30 PM

City – County Complex, Community Room, and Zoom

<https://us02web.zoom.us/j/83563439666?pwd=MzZ2WEp5Vkh5MThQbkhWd2FBK1dxQT09>

MEETING ID: 835 6343 9666 **Passcode 651307** Call in: (669) 900-6833

1. Call to Order

2. Roll Call:

Chair Melissa Nootz, Vice-Chair Karrie Kahle, Commissioners Friedman, Schwarz, and Lyons. Staff in attendance, City Manager Grant Gager, Interim City Attorney Jon Hesse, Planning Director Jen Severson, Public Works Director Shannon Holmes, Police Chief Dale Johnson, and Recording Secretary Faith Kinnick. Appearing virtually were City Finance Director Paige Fetterhoff, Administrative Services Director Lisa Lowy, Fire Chief Josh Chabalowski, Finance Clerk Emily Hutchinson.

3. Public Comment 5:33 (00:00:54)

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)

- Leslie Feigel gave comments regarding the Soapbox Derby and possible coordination with the DUI Task Force. Invited everyone to come to the grand opening of the new exhibit at the Chamber.
- Patricia Grabow gave comments thanking the downtown business owners for willingness to renovate upstairs units into more housing, but believes the Ordinance the city passed was premature, citing concerns with very limited downtown parking, and businesses are reportedly negatively affected by infill.
- James Willich expressed a desire for an update on an overpass. Gager responded the city anticipates a decision on our application to be received by the end of June.
- Jay Keifer stated he saw an article in the paper with Melissa and Grant at Washington School regarding the possibility of a land swap with the school.
- Dustin Fanning of the Livingston Wheels Car Club stated he was there in support of the event.

4. Consent Items 5:44 p.m. (00:10:57)

A. APPROVE MINUTES FROM MAY 2, 2023, REGULAR MEETING.

- B. RATIFY CLAIMS PAID 04.12.2023-04.28.2023.**
- C. APPROVE APPLICATION FOR SPECIAL PARKING SPACE**
- D. SPECIAL EXCEPTION REQUEST FOR HAWKES GRADUATION PARTY/BBQ ON JUNE 3, 2023.**
- E. CONSIDER LIVINGSTON AREA CHAMBER REQUEST TO REDUCE STREET CLOSURE FEES FOR THE ANNUAL CAR SHOW ON JUNE 3, 2023.**

Schwarz motioned to pull consent item E, and approve A-D, seconded by Kahle, all in favor passes 5-0. Schwarz agrees with City Manager's recommendation rejecting request to wave fees associated with event. Nootz reviewed the process, clarifying the item appears in the consent items as a previous request from the Commission, the item is administrative in nature. Nootz opened the consent item to receive public comments, which normally is not done. Leslie Feigle, Dustin Fanning, Jay Keifer, James Willich, Patricia Grabow, Michael Adams and Rusty Trzruc gave comments. The Commission deliberated, and concurred with City Manager recommendation despite opposition from the public. Chamber encouraged to collaborate and apply for special event funding through the TBID for future events. Schwarz motioned for approval, seconded by Lyons, consent item E passed 5-0.

5. Proclamations 6:17 p.m. (00:44:01)

- A. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, DECLARING MAY 20, 2023, AS NATIONAL KIDS TO PARK DAY IN LIVINGSTON MONTANA.**

Nootz read proclamation. Gager thanked Maggie Tarr, Rec. Dept. manager.

- B. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, RECOGNIZING NATIONAL PUBLIC WORKS WEEK MAY 21-27, 2023. 6.19 p.m. (00:46:01)**

Nootz read proclamation. Gager thanked a few members of our Public Works crew in the audience. Trace Tidwell, J Taylor, Shannon Holmes, Martha O'Rourke. Nootz and Schwarz also thanked the staff recognizing they are just a few members of a much larger group.

- C. A PROCLAMATION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON DECLARING ACCEPTANCE AND OPENNESS AMONG ALL OUR CITIZENS. 6:22 p.m. (00:49:03)**

Nootz read proclamation. Gager shared his goal is to make everyone feel as welcome as the community has made him feel over the last 6 months. Nootz responded to Schwarz question about contact with the Montana Human Rights Network.

Nootz advised the Commission will consider Action Item A in between items 6.B and 6.C to allow for a better meeting flow.

6. Scheduled Public Comment 6:26 p.m. (00:53:57)

A. COMMUNITY SUPPORT TEAM

Gager briefly introduced the Community Support Team to the Commission. Kacie Boteler of the Community Support Team gave a brief overview regarding creation and purpose. Nootz and Kahle gave comments in support. Gager shared city will add new resource on city website.

6:26 p.m. Schwarz motioned for a 10-minute recess, seconded by Kahle.

B. RECREATION DEPARTMENT UPDATE 6:36 p.m. (00:56:21)

Gager invited Maggie Tarr to the podium to provide the commission with an overview of her time with the Livingston Recreation Department and community program offerings, and responded to a few questions. The commission shared accolades for Maggie's work with Livingston Rec.

10-minute recess 6:56 p.m.

ACTION ITEM A. DISCUSS/APPROVE/DENY: SPECIAL EXCEPTION PERMIT REQUEST FROM SHANE LELANI CENTER. & C. SHANE CENTER PAVILLION PRESENTATION 7:08 p.m. (01:23:33)

Nootz made a brief statement about moving items around for better flow of agenda. Gager made brief comments before inviting Jen Severson to give an updated staff recommendation from what was presented in the packet. Severson provided commission with written handouts and provided her recommendation.

Erika Adams of the Shane LeLani center gave presentation and a few commission clarifying questions were answered by Gager & Severson. Schwarz motioned for approval of Action Item A, with revised conditions of approval as provided by staff's updated recommendations, seconded by Kahle.

Commission received public comments from Gavin Clark, James Willich, Lesa Maher, Finn Johnson, Hunter Viers, Zander Becnel, Sarah Skofield, Angela Devani, Jay Keifer, Patricia Grabow, Valerie Kinely. Commission sought clarifying comments from

Russell Lewis of the Shane LeLani Center. Commissioners deliberated and decided to continue discussion citing concerns regarding decibel of noise, impacts to neighborhood and maximum event capacity. Nootz motioned to continue the discussion to date certain of June 6, 2023, seconded by Lyons, passes 5-0.

Kahle motioned for a 5-minute recess, seconded by Friedman, passes 5-0.

Nootz called for a motion to extend the meeting at 9:28 p.m., Kahle motioned for extension, second by Schwarz, all in favor passes 5-0.

7. Public Hearings 9:29 p.m. (03:35:00)

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)

A. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY MAKING TEXT AMENDMENTS PERTAINING TO ZONING CODE CHAPTER 30 ARTICLE II. DEFINITIONS, SECTION 30.30 DISTRICT DESCRIPTIONS, TABLE 30.40 LIST OF USES, TABLE 30.41 RESIDENTIAL DENSITY REQUIREMENTS, AND SECTION 30.51 OFF-STREET PARKING AND LOADING ZONES.

Nootz briefly introduced the item, noting this is the 2nd time the commission will be discussing, before turning over to Gager. Gager reminded commissioners of the text amendments, and answered a clarifying questions from the commission. Lyons motioned for approval, second by Kahle. Received public comments from Angela Devani and Rusty Trzpuć. Commission deliberated for a few minutes and provided additional clarifying comments following comments made during public comment. All in favor, passes 5-0.

8. Ordinances

9. Resolutions 9:53 p.m. (04:00:09)

A. RESOLUTION NO. 5090: A RESOLUTION RELATING TO SPECIAL IMPROVEMENT DISTRICT BOND (SPECIAL IMPROVEMENT DISTRICT NO. 181), SERIES 2023; FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR AND PROVIDING FOR A LOAN FROM DNRC.

Nootz gave brief introduction, Gager noted this is the final resolution in the bonding of the Green Acres Subdivision. No clarifying questions from the Commission. Motion by Schwarz, second by Kahle, no public comments, Commission reflected

on how many times they have voted on items for Green Acres. All in favor, passed 5-0.

B. RESOLUTION NO. 5091: A RESOLUTION OF THE CITY OF LIVINGSTON CITY COMMISSION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE ABBI AGENCY FOR PROFESSIONAL SERVICES TO UPDATE THE CITY LOGO AND BRANDING FOR THE CITY OF LIVINGSTON. 9:57 p.m.

Nootz opened the discussion Gager introduced proposal and shared a brief overview of effort to date. Nootz shared a concern some of the Montana logos are focused more towards tourism, and that is not what we are looking for. Motion to approve contract by Schwarz seconded by Friedman. No public comments. Nootz and Lyons appreciates the proposal received, excited about next design phase and what they will provide us with. All in favor, passes 5-0.

10. Action Items 10:03 p.m. (04:09:41)

B. CLOSED SESSION PURSUANT TO MONTANA CODE ANNOTATED 2-3-203(3).

Nootz made motion to enter into closed session, Schwarz seconded. Reconvened at 11:04 p.m.

11. City Manager Comment 11:04 p.m. (04:10:38)

Sorry for the late hour, good night.

12. City Commission Comments 11:04 p.m.

Lyons, Schwarz, Friedman, Kahle, no comments

Nootz will share the City Manager evaluation with the paper in the coming days.

13. Adjournment

Motion by Lyons, second by Schwarz all in favor passes 5-0. 11:07 p.m.