



Livingston City Commission Special Meeting Minutes

March 29, 2023

5:30-8:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/88196960171?pwd=Tnh2cUkzaVRIK3l1RRWDBkb2RTZz09>

Meeting ID: 881 9696 0171 **Passcode: 571800** Call In: (669) 900-6833

1. Call to Order

2. Roll Call

In attendance: Chair Nootz, Vice-Chair Kahle, Commissioner Schwarz. Commissioners Friedman and Lyons were excused. City Manager Grant Gager, Interim City Attorney Jon Hesse, Public Works Director Shannon Holmes, 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)

- No public comments (no public in attendance)

4. Consent Items

5. Proclamations

6. Scheduled Public Comment

7. Public Hearings

8. Ordinances

9. Resolutions

10. Action Items (5:30)

A. CONSIDERATION OF AGREEMENT 20013 FOR LEVY RESTORATION CONSTRUCTION.

- Gager introduced the item and gave brief overview
- Kahle asked if there is an official report that is available to the public regarding the condition of the levy?
- Gager called on Holmes to speak about some of the engineering and the report.
- Holmes shared a comprehensive assessment was completed and the report was submitted to FEMA. It is not currently available to the public on the website.

- Nootz asked a clarifying process question regarding the motion in the packet, and it should be changed to City Manager, called for a motion.
- Kahle motioned to approve with correction the City Manager should sign the General Services Agreement, not the Chair, as noted in the staff report.
- No public comments
- Schwarz confirmed this is only a repair to the levy, curious to know when the levy was installed and repaired last.
- Holmes responded the last repairs were done in 1997.
- Schwarz stated we are only repairing what was done in 97, not increasing it.
- Holmes stated we are restoring to pre-disaster condition. We are not adding additional embankment into the water way, replacing riprap lost due to the flooding. The highest concentration was from the Civic Center, downstream to where the city property ends.
- Schwarz thanked Holmes for confirming his understanding of this project.
- Nootz asked if the City property ended at the end of the ball fields?
- Holmes affirmed.
- Kahle Bio engineering has been included in the reports to FEMA and the Army Core of Engineers (ACOE).
- Kahle shared concerns received about tree removal and ecosystem removal, straws grasses. Removing the least amount of vegetation as possible, is the contractor mindful of that, we have local experts in the area that could help with that.
- Gager recognizes the value of the trees and vegetation, shared the goal is to make the repair with minimal impact possible.
- Holmes concurred, it is the priority to minimize the impact. Most of the erosion occurred at the base of the trees, and may be hard to access the top of the levy, and will follow the bioengineering guidelines FEMA has provided for this project. Also working with MT FWP to gather and collect some willows. The permit was approved.
- Kahle shared Montana Freshwater Partners and Upper Yellowstone groups have been looking at replacing the willows, there may be a partnership opportunity there.
- Holmes continued, as long as we get the ACOE permit approval, FWP approval comes before the DEQ318, as long as the city is compliant with bioengineering and the national historical environmental regulations with FEMA, the ACOE is ready to approve our permit as early as Monday. We can look at gathering community partners, but that is not included in this current project, but we can make it happen.
- Kahle stated even if FEMA doesn't make that requirement, the City still should make it happen, it's important for this community. Kahle stated it sounds like we are waiting for just one more permit.
- Holmes affirmed
- Nootz asked if the FEMA meeting was today in Redlodge?

- Holmes was not aware of that meeting today until talking with Greg Coleman earlier this week.
 - Nootz shared she had a federal officer reach out to see if we were aware of the meetings.
 - Gager stated he was aware of the meeting for a few weeks now, shared the Red Lodge meeting was focused on County level administration.
 - Nootz asked clarifying question about funds used for project would come from FEMA budget? Doesn't match what we are being given?
 - Holmes stated the FEMA money was based on the report, does not include the consulting fees, or contractor fees.
 - Nootz continued so we will see that come before us?
 - Gager stated that contract was approved last fall.
 - Nootz commented this looks like it's a standard contract, she'd like to see the gender identifying pronouns removed from the contract. Continued it's great to see the local experts weigh in on the planting. Suggested creating a local advisory subcommittee group, and whatever the Commission can do to support it.
 - Gager appreciated the comments, and will take into consideration the creation of a local advisory group on river issues.
 - Kahle noted there are really great experts in the community.
 - Schwarz agreed with utilizing our local experts, as long as they are credentialed
 - Nootz reminded Commission the City Manager has the ability to create an advisory board for the executive branch, and the executive branch would set the criteria for the board, then it would come through the commission for approval.
 - Schwarz would like to make sure they are credentialed have been vetted.
 - Nootz commented that is a process the City Manager has available to him
 - Schwarz shared he has local neighbors that are experts, the community has a wealth of local experts.
- Motion passes 3-0.

11. City Manager Comment 5:55 p.m.

Thank you for the special meeting, thank you for the comments about the River.

12. City Commission Comments 5:56 p.m.

- Schwarz doesn't mind the special meetings. Asked about alley behind American Bank and if it was included in the Downtown CIP.
- Holmes stated it is. Schwarz said we need to have a picnic to celebrate these guys.
- Kahle agrees with Schwarz comments, thanks for the special meeting, agrees we need to have a picnic.
- Nootz thanks for the special meeting, and to the Enterprise for attending

13. Adjournment 6:07 p.m.

Motion by Kahle, second by Schwarz,
All in favor passes 3-0.