



# Livingston City Commission Minutes

**December 03, 2024 — 5:30 PM**

City – County Complex, Community Room

<https://us02web.zoom.us/j/83978950831?pwd=TkdaQUFKcjhZVnROM2ppZE1XTERIQT09>

Meeting ID: 839 7895 0831  
Passcode: 970639

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## 1. Call to Order

Chair Kahle called the meeting to order at 5:32 pm

## 2. Roll Call

### Commissioners Present

- Chair Kahle
- Vice-Chair Nootz
- Commissioner Schwarz
- Commissioner Willich

### City Staff Present

- City Manager Grant Gager
- Policy Analyst Greg Anthony
- City Attorney Jon Hesse
- Chief of Police Wayne Hard
- Finance Director Paige Fetterhoff
- Public Works Director Shannon Holmes
- Planning Director Jennifer Severson



### 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)*

Chair Kahle invited public comments on non-agenda or consent items and reminded speakers of the time limit and relevant rules

### 4. Consent Items

- A. APPROVAL OF MINUTES FROM NOVEMBER 19, 2024, REGULAR MEETING**
- B. APPROVAL OF CLAIMS PAID 11/14/24 - 11/27/24**
- C. APPOINTMENT OF SARAH KNOEBL AND CHRIS RALEY TO THE LIVINGSTON URBAN RENEWAL AGENCY**
- D. AGREEMENT 20139 EXTENDING AE2S ON-CALL CONTRACT**
- E. AGREEMENT 20137 WITH MISSOURI RIVER DRUG TASK FORCE**
- F. AGREEMENT 20138 WITH TD&H FOR ENGINEERING SERVICES**

Commissioner Willich requested to pull Item D.

Commissioner Lyons motioned to approve Items A, B, C, E and F. Second by Commissioner Schwarz. Unanimously approved.

Commissioner Willich referenced page 59 and noted that the strategic alignment narrative was a placeholder rather than a meaningful description and would like to see that corrected.

The City Manager clarified that the contract supports the wastewater facility's specialized staffing needs.

Commissioner Willich motioned to approve Consent Item D. Second by Commissioner Schwarz. Unanimously approved.

### 5. Proclamations

### 6. Scheduled Public Comment

### 7. Action Items

- A. PRESENTATION OF CITY OF LIVINGSTON ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2024**



City Manager Gager introduced Morgan from Maddox CPA Group. Morgan explained that the audit for the fiscal year ending June 30, 2024, returned a clean opinion. She noted one compliance finding regarding accumulated impact fees and explained that while the accumulation exceeded twice the appropriations, the funds were being set aside for a future project. Morgan thanked Finance Director Fetterhoff and the finance department staff for their diligence and extensive work in assembling the Annual Comprehensive Financial Report.

The City Manager reiterated the complexity and importance of the annual audit and commended the finance department's work.

Commissioner Schwarz thanked Director Fetterhoff for her work on this.

Commissioner Willich motioned to approve this item. Commissioner Lyons seconded.

Commissioner Willich expressed his happiness with the results of this year's audit.

Commissioner Lyons asked about potential risks or legal exposure due to the impact fee accumulation issue.

The City Manager stated within Livingston the railroad crossing is important and understands this finding appeared in the audit, but shared, encouragingly, that this item is addressing a community need.

This item was unanimously approved by all five Commissioners present.

## **B. PRESENTATION OF STORMWATER UTILITY FEASIBILITY STUDY**

City Manager Gager introduced representatives from AE2S Nexus (Kayla and Jacob), who will present the feasibility study for a potential storm water utility.

Public Works Director Holmes explained that the City of Livingston has been working since 2015 to understand and improve its storm water system, which is old, undersized, and currently funded only through other utilities. He emphasized the importance of proactively managing storm water, not just reacting to issues as they arise, and highlighted the city's responsibility to protect local waterways – just as it does with wastewater.

The AE2S Nexus presenters, Kayla and Jacob, provided an overview of the feasibility study for creating a dedicated storm water utility in Livingston. They explained that such utility would offer a stable, long-term funding source for maintenance, operations, and capital improvements to the city's aged and undersized storm water system. Key points include:

- **Annual Costs:** This is a draft structure and is subject to change based on Commissioner feedback. First year revenue requirement is about \$564,000, Operations and Maintenance \$221,000, Capital Projects \$222,000, Interfund Transfer \$11,000, and Operating Reserves \$110,000. This would be an annual amount and would repeat year after year. Budget Highlights included: Operation and Maintenance, Capital Projects, General Fund transfer, Reserves and savings.



- Ways to Pay for Costs: Rate structures will vary by City and utility need, but services charges would come from Parcel size, Land use, and impervious area. A monthly service charge would roughly come in at \$9-\$10 for residential and \$18-\$19 for Commercial/Multi-Family.
- Main Study Takeaways: Utilities would generate adequate revenue, rates would be similar to peer cities, data limitations do exist, and some policy questions still remain.
- Next Steps: Finalize report based on feedback, continue community engagement, pursue a development plan, and acquire funding.
- Long-Term Benefits:

Commissioner Lyons asked for clarification on what the development plan would entail.

Jacob stated it starts with feasibility study then to the goal line of billing customers. Process includes data cleanup, plan to maintain rate structure, ordinances and legal process, and working with billing system to bill customers.

Vice-Chair Nootz asked for clarification on the expense part of the \$221,000 and \$222,000.

Kayla stated the large portion of the \$221,000 would be the equipment purchases, and the \$222,000 would be more of the one-time project expenses.

Vice-Chair Nootz asked if it would be a good idea to have a map of where these projects are.

Kayla stated there are a couple large engineering documents that have that information and sees the benefit in having a community centered map that people could see.

Vice-Chair Nootz wondered how the project timeline works with DEQ compliance and understands it's expensive to be out of compliance with DEQ.

Kayla stated currently we are not a permitted MS4 entity so this would not be an issue.

The City Manager stated the timeline for MS4 permit will come when census hits 10,000 which will be likely to happen in 2030.

Vice-Chair Nootz stated the community really wants the ability to engage around Public Works projects, and feels this would be helpful for this project.

Chair Kahle asked about timeline.

Kayla stated the development plan will take about 6 months, put us into 2025, and the goal would be to have bills going out in early 2026.



The City Manager stated we would be able to advance this over the next 6 to 9 months. A decision will still have to be made about the appropriate route for billing.

Chair Kahle asked about the DNRC grant and asked about funds.

The City Manager stated there are tiers for that grant and we are looking at the lower tier.

Chair Kahle asked for clarification on how the impervious surface data.

Jacob explained that this will be geared around nonresidential properties.

Commissioner Schwarz moved to receive and file the feasibility study and direct the City Manager to pursue recommendations. Commissioner Willich seconded.

6:38 pm Vice-Chair Nootz motioned for a 10 minute break seconded by Commissioner Lyons. Unanimously approved

Commissioner Willich expressed interest in exploring funding sources, including grants, to reduce the burden on residents.

Commissioner Lyons asked what the development plan will cost.

Jacob stated it will be based on some decisions that still need to be made, but initial estimates are coming in at the \$70,000 to \$100,000 range. The feasibility cost came in at \$30,000.

Vice-Chair Nootz emphasized the importance of transparent community engagement, encouraging outreach methods beyond surveys and considering resident preferences for billing methods. She expressed wanting to see more refinement around residential properties, and feels it's an equity issue when, for example large land owners are paying the same as the owner of a small size residence. She wants to know how the public would want to be paying that, and also expressed interest in how other cities are doing this part.

Chair Kahle expressed agreement with Vice-Chair Nootz. She stated she would like to see people not paving boulevards.

This item was unanimously approved.

**C. RESOLUTION 5151: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LIVINGSTON, MONTANA, ACCEPTING UTILITY AND ACCESS EASEMENTS GRANTED BY VEGAN TRITIP FOR THE NORTHTOWN SUBDIVISION PROJECT PHASES 2 AND 3 AND AUTHORIZING CITY MANAGER TO SIGN ASSOCIATED DOCUMENTS.**

City Manager Gager explained that these easements were contemplated during earlier project approval but never formally recorded. He stated that no changes were made from the original plans. Accepting these easements would finalize the intended arrangements.



Commissioner Lyons asked if the easement alignments were identical to those previously discussed.

The City Manager confirmed no alterations.

Vice-Chair Nootz inquired if any additional corrections or updates that would be made before recording.

The City Manager noted that the City Clerk's authority includes making minor corrections.

Commissioner Lyons moved to approve Resolution 5151. Commissioner Willich seconded.

Vice-Chair Nootz mentioned that proper easement recording is essential for long-term infrastructure planning.

The City Manager stated they are utilizing a new process for easements, so they are not missed in the future.

This item was unanimously approved.

#### **D. DISCUSSION AND DIRECTION TO STAFF REGARDING UPDATE TO SUBDIVISION REGULATIONS**

City Manager Gager introduced the need to update subdivision regulations to align with the 2021 Growth Policy and new legislative requirements. He explained that staff would draft revisions and seek Commission input.

Commissioner Lyons emphasized that aligning the subdivision regulations closely with the growth policy's recommendations would fulfill community expectations. He supported greater clarity to reduce future conditions on approvals.

Vice-Chair Nootz suggested stronger requirements rather than "exploratory" language, advocating for definitive policies on wetlands, wildlife corridors, and active transportation. She recommended alignment with storm water management practices, zero-scaping, and addressing the wildland-urban interface. She stressed incorporating recently adopted plans and new data into the regulations.

Chair Kahle reiterated the importance of ensuring new regulations reflect community values, making the approval process more transparent and efficient. She asked what the process would be for community input and how the Commission would review updates.

The City Manager stated a draft would be presented, and a public feedback portal would be opened.

Planning Director Severson explained the draft process and wants it to be as transparent as possible.

No formal action was taken. Staff will prepare a detailed draft addressing these points.

7:45 PM Chair Kahle motioned to enter closed session seconded by Vice-Chair Nootz. Unanimously approved.



#### **E. CLOSED SESSION TO DISCUSS LEGAL STRATEGY PURSUANT TO MCA 2-3-203(4)(a)**

The Commission returned to open session at 8:23 PM with no action taken in closed session.

#### 8. City Manager Comment

The City Manager announced the upcoming Livingston Historic Christmas Stroll and encouraged attendance.

#### 9. City Commission Comments

Commissioner Willich: No comment

Commissioner Lyons: Expressed excitement seeing progress in the growth policy.

Commissioner Schwarz: Attended the tree light that had a good turn out and will be at the Christmas Stroll

Vice-Chair Nootz: No comment

Chair Kahle: Thanked staff for their hard work on the upcoming changes to the subdivision regulations.

#### 10. Adjournment

8:25 pm Commissioner Lyons moved to adjourn seconded by Commissioner Schwarz. Unanimously approved.

#### Calendar of Events

#### Supplemental Material

#### Notice

- **Public Comment:** The public can speak about an item on the agenda during discussion of that item by coming up to the table or podium, signing-in, and then waiting to be recognized by the Chairman. Individuals are reminded that public comments should be limited to items over which the City Commission has supervision, control, jurisdiction, or advisory power (MCA 2-3-202).
- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Administration. The City does not warrant the audio and/or video recording as to content, quality, or clarity.



- Special Accommodation: If you need special accommodations to attend or participate in our meeting, please contact the Fire Department at least 24 hours in advance of the specific meeting you are planning on attending.