



Livingston City Commission Minutes

June 10, 2026

4:00 PM

City – County Complex, Community Room

Join Zoom Meeting

<https://us02web.zoom.us/j/86594591465?pwd=BlyYa0GIBdSOZ8H8UoFx2GsS8LthQ0.1>

Meeting ID: 865 9459 1465

Passcode: 306010

1. Call to Order

5:34 pm Chair Nootz called the meeting to order.

2. Roll Call

- Chair Nootz
- Vice Chair Willich
- Commissioner Daniels
- Commissioner Wilcox
- Commissioner O'Neill

City Staff Present

- City Manager Grant Gager
- Chief of Police Wayne Hard
- Asst. Chief of Police Andrew Emanuel
- Policy Analyst Greg Anthony
- Fire Chief Josh Chabalowski
- Battalion Chief Jonathan Gilbert

3. Pledge of Allegiance

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Chair Nootz asked the room to stand for the pledge of allegiance.

4. 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)

Public comment was offered by:

- Joel Mowery gave his support to the Commission and City Manager and likes to see how they have worked together over the years to solve problems.
- Kiersten Holycross expressed her thoughts about the previous City Commission meeting.
- Edleeta Shans expressed her thoughts about the previous City Commission meeting.

Chair Nootz asked how the budget and procurement are budgeted and balanced.

The City Manager stated the City has around 117 full-time employees and a number of part-time and seasonal employees. He stated the City has 11 departments. He stated department heads have budget authority up to \$10,000, and he stated that anything above \$10,000 up to \$50,000 has been delegated to the City Manager for approval. Anything beyond \$50,000 will go before the City Commission for approval. He stated they have 3 labor unions and those collective bargaining agreements are negotiated with him, HR and the union. He stated that the City Commission approves the final budget and at a meeting coming up he will present the budget to the Commission.

Chair Nootz stated she needed to ask the Vice Chair a question and they removed themselves from the table for a brief moment.

5. Action Items

A. DISCIPLINARY HEARING RELATED TO AN EMPLOYEE COMPLAINT AGAINST THE CITY MANAGER

Chair Nootz introduced the item and asked the City Manager if the HR Director was here.

HR Director Cari Rubin approached the podium and introduced herself, and asked the Commission if there would be public comment on this item tonight.

Chair Nootz stated yes, and stated when they got to that portion, she would ask City Attorney Hesse to clarify the public comment and boundaries around it.

The City Manager excused himself from the room as he stated he felt he had a conflict of interest to stay present in the room. He stated that he waives his right to privacy on this item.

HR Director Rubin stated she asked that question about public comment because the complainant and witness would like to waive their right to privacy for this item if there was public comment.

Chair Nootz clarified that matters like this are typically held in closed session per MCA, so this meeting is a little different since the parties involved are waiving their right to privacy.

City Attorney Hesse called the City Manager to come to the podium, and for the record, advised him of his rights and asked if he wished to waive the right to privacy for this item.

The City Manager stated that he waives his right to privacy for this item.

City Attorney Hesse called Jonathan Gilbert to the podium, and for the record, advised him of his rights and asked if he wished to waive the right to privacy for this item.

Battalion Chief Jonathan Gilbert stated that he waives his right to privacy for this matter.

City Attorney Hesse called Josh Chabalowski to the podium, and for the record, advised him of his rights and asked if he wished to waive the right to privacy for this item.

Fire Chief Josh Chabalowski stated that he waives his right to privacy for this matter.

Chair Nootz asked for clarity from City Attorney Hesse on process.

City Attorney Hesse stated that under the statutes, the Commission has a responsibility for the supervision, reprimand, hiring, and firing of the City Manager. The complaint came from Battalion Chief Jonathan Gilbert concerning an interaction between him and the City Manager. He stated that the HR Director has investigated the matter and she will detail what she did, who said what, and the facts. He stated no other testimony can be brought in, and they are not calling in other witnesses. He stated that the HR Director investigated this matter and applied the facts to the personnel manual. After the conclusion of that, it will be up to the Commission to decide the remedy under the personnel manual. He stated it is an open meeting and the public is allowed to offer comment, but it is restricted to this specific incident, not facts beyond this incident.

HR Director Rubin stated she received a complaint on May 20, 2026, from Battalion Chief Jonathan Gilbert and a witness statement from Fire Chief Josh Chabalowski in reference to the City Manager. She stated it is her job as the HR Director to do an impartial investigation and present her findings to the City Commission to determine if the incident violated any policy.

HR Director Rubin read Battalion Chief Jonathan Gilbert's written complaint into the record.

HR Director Rubin read Fire Chief Josh Chabalowski's witness statement into the record.

HR Director Rubin continued reading her investigation notes and findings to the Commission and included reading her notes taken from her investigation interview with the City Manager. She continued reading her investigation notes.

HR Director Rubin showed video of the incident.

Vice Chair Willich asked for a copy of the employee handbook.

HR Director Rubin shared the handbook with the Commission.

Chair Nootz asked HR Director Rubin if Fire Chief Chabalowski and Battalion Chief Jonathan Gilbert were interviewed together.

HR Director Rubin stated they were interviewed together, but she did ask Battalion Chief Jonathan Gilbert to come back to clarify some points. She stated Fire Chief Chabalowski was invited back, but she did not meet with him.

Chair Nootz asked if that is standard practice.

HR Director Rubin stated that it is not normally standard practice. She thought they were both complainants, but as the interview went on, she realized Fire Chief Chabalowski was a witness.

Vice Chair Willich asked how many steps back Battalion Chief Jonathan Gilbert stepped.

HR Director Rubin stated it was stated that he stepped back a couple of steps.

Commissioner Wilcox asked to hear the part of Battalion Chief Jonathan Gilbert's written statement where he described stepping back.

HR Director Rubin read that part of the statement again.

Chair Nootz requested to see the videos again.

HR Director Rubin showed the videos of the incident again.

Commissioner Wilcox asked about the statements and the timing discrepancy for how long their presentation was supposed to be.

Commissioner O'Neill stated that from the video the door behind him in the room was open, and he wondered if anyone in the room heard anything.

HR Director Rubin stated that all three parties involved said no one was around in the hallway, but they did not indicate if anyone was in the room listening. She stated she did not check to see who was in the room that night to see if they heard anything.

Chair Nootz reviewed the location in the hallway where the incident in question took place.

Vice Chair Willich asked what the exact complaint was.

HR Director Rubin read the portion of Chief Gilbert's statement that stated he wanted to make a complaint to HR against the City Manager for aggressive, hostile, and threatening behavior.

Chair Nootz advised the room that it was coming up on time for a break in the meeting, and she asked City Attorney Hesse what they should or shouldn't do during the break.

City Attorney Hesse stated the hearing was based on what evidence was being presented to the Commission from the HR Director, so during the break the Commission could not talk to witnesses or members of the public. Their decisions that night needed to be based solely on the evidence presented at the meeting.

Chair Nootz asked for verbal confirmation from all Commissioners that they would follow these rules during the break. They unanimously agreed.

Commissioner Wilcox motioned for a five-minute break, seconded by Commissioner Daniels. Unanimously approved.

HR Director Rubin stated that in her findings she did find that the three parties' stories were similar and left it to the Commission to deliberate.

Chair Nootz read the options for the path forward, which include: no policy violation, determine what policy is violated based on the employee manual, or continue to another meeting. She asked HR Director Rubin where they should be looking in the handbook.

HR Director Rubin reviewed Chapter 5, showing the progressive discipline list.

Chair Nootz asked if the handbook had definitions for aggressive, hostile, and threatening.

HR Director Rubin stated no, not in the way they are looking to use it.

Commissioner Wilcox pointed out a separate section that she thought might be helpful for a definition.

Chair Nootz asked City Attorney Hesse what was allowed during public comment.

City Attorney Hesse stated public comment was limited to the incident that was under review. It was not a time to complain about the individuals or other issues with them because it was not relevant to this proceeding.

Public comment was offered by:

- Edleeta Shans stated she was seated in the front row the night of the meeting and recalled the break and stated she did hear elevated voices coming from the hallway that evening.
- Vicki VanBuster expressed that it was hard to understand the City Manager's statement that was read by HR Director Rubin.
- Rick Lampoon wondered if the City Manager provided a written statement because the way it was read was unclear.

- Britney Chabalowski started her comment around how many times something like this happened.

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse stated that the only statements that the public can make are concerning this incident, not ramifications or anything like that because the three people involved cannot defend themselves during this meeting, and it's not fair to them. He stated that public comment should be about whether the City Manager violated the personnel policy based on what happened in the hallway.

- Britney Chabalowski addressed the character of Fire Chief Chabalowski

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse stated that commenters cannot talk about the character of any one of the witnesses because that is not the issue tonight. The issue is whether the events in the hallway violated the personnel policy.

Chair Nootz asked City Attorney Hesse for guidance on what to do if commenters continue to go out of scope for their comment.

City Attorney Hesse stated comments have to be very specific to one topic and incident, and if commenters don't want to talk about that, then they will need to sit down.

- Britney Chabalowski finished her comment by asking the Commission to do the right thing.
- Quentin Schwarz expressed disappointment that this wasn't handled internally and felt a step was missed before going to a formal complaint.
- Josh Congleton expressed that he thought some of the comments from the statements were rude and recognized those that chose to come forward.
- Tammy Lewis expressed good luck to the Commissioners and stated they would make the right decision.
- Andrew Field stated he didn't hear any testimony beyond the scope of normal, and from all testimony the presentation went longer than was asked. He stated he didn't see or hear anything that sounded like intimidation or hostility.
- Dee Butterfield expressed concern about Chief Chabalowski and Battalion Chief Gilbert being interviewed at the same time. She started to express her thoughts about the character of those involved.

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse stated that folks could make statements, but cannot state their opinions concerning people's character. He stated that folks' opinions on how the parties involved were behaving were not relevant.

- Dee Butterfield continued her comment expressing concerns about Chief Chabalowski and Battalion Chief Gilbert being interviewed together. She expressed not seeing any aggressive behavior from the videos.
- Lauren Koby expressed disappointment in HR Director Rubin's presentation.

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse stated that the opinion of HR Director Rubin's investigation was not relevant. He reminded everyone that the only thing that could be talked about was observations of what took place in the hallway and whether that was a violation of the personnel policy.

- Lauren Koby stated that no one seems to know what happened or what is going on.

City Attorney Hesse reminded everyone that their testimony had to do with what took place in the hallway.

- Rusty Trzpec expressed his thoughts that staff may have exaggerated.

City Attorney Hesse stated that the comments about exaggeration were irrelevant and reminded everyone that the parties involved have no way to defend themselves. He stated that commenters can speak about the incident in the hallway and whether it violates personnel policy.

- Rusty Trzpec expressed that in his opinion the video did not appear to be an out-of-control individual.
- Sara Matson started to address the individual's character.

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse reminded everyone that they can only talk about their opinion of what took place in the hallway and whether it violated the personnel policy.

Chair Nootz reminded everyone that the only right to privacy that has been waived for these 3 individuals pertains to this incident in question.

City Attorney Hesse agreed that they only waived their right to privacy for this incident in question.

- Sara Matson addressed the statements and professionalism from the individuals.

Chair Nootz paused commenting to get clarification from City Attorney Hesse.

City Attorney Hesse stated that comments about the individual's professionalism were irrelevant.

- Sara Matson finished her comment asking if the City Manager also had a written statement.

Chair Nootz paused to ask if the City Manager wished to be present for the rest of the meeting.

Policy Analyst Greg Anthony checked with the City Manager and relayed the message that he wished to be excused for this item on the agenda entirely.

Commissioner Wilcox asked if the City Manager provided a written comment and asked if Chief Chabalowski provided a written statement.

HR Director Rubin stated that both Battalion Chief Gilbert and Fire Chief Chabalowski gave her written statements. She stated that the follow-up interview statements were written by her based on her notes.

Commissioner Daniels asked if statements from Battalion Chief Gilbert and Fire Chief Chabalowski were given to her at the same time.

HR Director Rubin stated no, she received Battalion Chief Gilbert's statement, then they discussed the incident in question. She stated that she received Fire Chief Chabalowski's written statement after that meeting.

Chair Nootz asked HR Director Rubin if this was the appropriate path to use if someone had an issue with the City Manager, and if their first step was to file a complaint with HR.

HR Director Rubin stated that the City has an open-door policy, so anyone can go to HR and file a complaint. She stated that not all complaints rise to the level of an investigation. She stated that she contacted the City Attorney at the beginning and was instructed to complete the

investigation, and the City Attorney confirmed that she did not have authority to choose a discipline action for the City Manager because he reports to the City Commission.

City Attorney Hesse stated that under the City Commission and City Manager form of government, the Commission is responsible for supervising the City Manager. The personnel policy applies to him as to conduct, but the Commission is the body who applies that policy to the City Manager.

Chair Nootz asked HR Director Rubin to point out the parts of the handbook they should be looking at.

HR Director Rubin pointed them to the appropriate sections of the handbook for reference.

Commissioner Daniels read a section related to grievances and wondered if those steps had been followed.

HR Director Rubin stated that this issue does not fall under the grievance policy.

Chair Nootz asked for next step guidance from the City Attorney.

City Attorney Hesse stated they had to make a decision based on the facts presented from HR Director Rubin and the videos they saw**, and whether** those facts constituted a violation of the personnel policy.

Commissioner O'Neill pointed out Chapter 4 in the employee handbook where it talks about swearing and acknowledged that from the statements, the City Manager did swear.

Commissioner Wilcox asked about the process.

City Attorney Hesse stated that step one is to determine if there is a violation of the personnel policy, then step two is the remedy if there is a violation.

Commissioner Wilcox expressed agreement with Commissioner O'Neill that in Chapter 4 it talks about how employees shall refrain from using profanity, and per the statements presented from HR Director Rubin, profanity was used by the City Manager.

Vice Chair Willich expressed agreement with Commissioners O'Neill and Wilcox.

Commissioner Daniels expressed agreement with her fellow Commissioners.

Chair Nootz also expressed agreement with her fellow Commissioners about the use of profanity.

Commissioner O'Neill wondered if there was a place in the handbook about conducting yourself in a professional manner.

Commissioner Daniels asked if they are to take into consideration if the City Manager has any prior issues or has been reprimanded in the past.

City Attorney Hesse stated it is appropriate to go through constructive reprimand and they should take into consideration if the person has a previously documented violation of policy and determine which remedy they will pursue.

Vice Chair Willich stated that what he saw was a mad manager talking to an employee and using some coarse language. He stated his thoughts are that the City Manager did not convey his frustration effectively. He stated that they are humans, so emotions, frustration, and agitation can happen. He stated a verbal warning is appropriate.

Commissioner O'Neill stated he agrees with Vice Chair Willich. He asked what the difference is between documented counseling and written reprimand.

HR Director Rubin stated that documented counseling shows that the incident occurred and is in the employee's file. She stated that the written reprimand is the same as documented counseling with a signature on it.

Commissioner O'Neill stated that his recommendation would be a written reprimand.

Commissioner Wilcox stated she would like to see documented counseling. She stated she saw an aggravated City Manager addressing employees on the video, but she understands that a directive was given by the City Manager to a director and it was not followed. She expressed understanding of why the City Manager was unhappy, but also acknowledged that he violated the section of the handbook related to profanity. She acknowledged being in the room during the incident and hearing voices in the hall, but not at a level where she could hear what was being said. She stated that she thinks documented counseling is the appropriate choice.

Commissioner Daniels expressed agreement with documented counseling. She stated that what she saw was an upset boss who lost it. She stated she watched the video closely and noticed his arms moved, but his feet didn't move. She stated she was also in the room during the incident and heard elevated voices, but not enough to hear what was being said. She suggested that he remember to work on de-escalation.

Chair Nootz reminded the Commission that the directive was given to staff from the City Manager to keep the presentation somewhere between 5 and 20 minutes, and it was at least an hour.

Commissioner Wilcox stated they are trying to determine if the City Manager violated the personnel policy, and she stated there is a policy that states employees shall refrain from using profanity. From the complaint, the employee was offended, so it does seem that the City Manager violated the policy.

Chair Nootz wondered who would deliver this violation to the City Manager and doesn't feel it should be someone on City staff, so she asked City Attorney Hesse what other elected bodies do in this situation.

City Attorney Hesse stated the person that does this is the Chair of the City Commission.

Chair Nootz stated that the Commission has equal power and she strongly believes in this, and stated that she would not be comfortable doing this alone, and would like to consider that the Chair and Vice Chair address this with the City Manager. She stated she is okay with documented counseling and feels it is appropriate for the level of violation. She expressed agreement with Commissioner Daniels' suggestion of de-escalation training for the City Manager.

Commissioner O'Neill expressed understanding that the Chair of the Commission will address the reprimand with the City Manager, but asked City Attorney Hesse if the de-escalation training would be provided by a private party. He would feel more comfortable with a private party providing the de-escalation training instead of the Commission.

City Attorney Hesse stated that when the Chair and Vice Chair have the conversation with the City Manager, they would ask him to get with the HR Director or designated person to find appropriate de-escalation training.

Commissioner O'Neill stated he wanted to make sure the Commission comes up with a plan at the meeting that night for next steps and not after the fact.

City Attorney Hesse stated that they have to do that at the meeting that night.

Chair Nootz reminded everyone that the Commissioners cannot go talk to a department head about next steps, and it has to be unanimously decided on at the Commission level. She reminded the Commission that they are limited by state law regarding meeting with department directors.

Commissioner Wilcox recapped the conversation that Commissioners are leaning toward documented counseling and de-escalation training. She stated that she feels the City Manager violated policy by swearing and expressed her thoughts that de-escalation training is more for aggression and hostility, and based on what she saw and heard that night, she does not think that occurred. She stated that stress is an issue in management and wondered what employees receive as far as stress management, and wondered if de-escalation training is appropriate or if stress management training would be more appropriate.

Commissioner Daniels stated that de-escalation training is for teaching you how to deal with something in the heat of the moment. She stated that what seems to have been the issue at this time was the City Manager's response in the heat of the moment.

Vice Chair Willich stated the training is a tool, and if the City Manager can do the training and learn from it, then it is not a negative thing.

Chair Nootz stated that the documented counseling is the action, and the meeting would need to happen, and the corrective action is to require some sort of de-escalation training. She stated this would be signed and placed in the employee's file.

Commissioners unanimously agreed to this.

Chair Nootz stated that City Attorney Hesse stated they could ask HR Director Rubin to assist with the training, but reminded the Commission they cannot direct City staff and wondered out loud what other resources the City Manager could use or reach out to for this training.

Commissioner Wilcox wondered what all employees get as far as these types of training. She wondered about recommendations for this training and who would be providing the feedback.

Chair Nootz stated there is the International City Management Association and they tend to have trainings like this. She listed off the League of Cities and Towns as well and stated they could direct the City Manager to work with these types of entities for the training.

Commissioner Wilcox asked about the appropriate way to make a motion to include all of the things that need to be included and listed out several different options.

Commissioner O'Neill started to talk about the incident in question and started to discuss the meeting outside of the incident in question.

Chair Nootz paused and asked for clarification from the City Attorney.

City Attorney Hesse stated that the Commission has to decide on the remedy and how it is going to work. He stated what happened in the previous meetings is not relevant, and at this time they are discussing the remedy.

Commissioner O'Neill stated he would like to try and avoid a potential lawsuit.

City Attorney Hesse stated again that where they are now is deciding the remedy and if it will work.

Commissioner Daniels stated that she trusts the City Manager to find the appropriate training.

City Attorney Hesse stated the Commission can do that and leave the burden with the employee to find the appropriate training and provide proof of completion.

Chair Nootz agreed with Commissioner Daniels about allowing the City Manager to select his training for this.

Commissioner Wilcox asked if the City has an EAP.

HR Director Rubin stated yes.

Commissioner Wilcox stated that most EAPs offer counseling and things of that nature and wondered if the City EAP has those.

HR Director Rubin stated yes, but not the de-escalation program they are looking for.

Chair Nootz asked if they are ready for a motion.

The City Commission agreed.

Chair Nootz stated they are looking at documented counseling, that the City Manager will need to participate in de-escalation training or stress management training, and were also wondering what type of EAP services are available to staff, and the message to the City Manager is to be delivered by the Chair and Vice Chair. There will be a written record of the meeting, the problem, the actions, and the follow up they would like to see.

Commissioner O'Neill motioned to subject the City Manager to documented counseling with de-escalation counseling related to the complaint and the findings of fact presented, seconded by Commissioner Daniels. Unanimously approved.

6. City Manager Comment

The City Manager stated he appreciates the time of the Commission. He offered sincere remorse for the way he conducted himself in a moment of disappointment and frustration due to the actions that transpired that evening. He stated he can be a passionate individual, and those passions are sometimes not received well, and he will work to do better in the future.

7. City Commission Comments

Commissioner O'Neill stated that in the future if something like this happens again, he would like the investigator to be outside of the City.

Commissioner Wilcox appreciated Commissioner O'Neill's comment. She also appreciates the City Managers comment of remorse.

Commissioner Daniels thanked the City Manager and Fire Chief's for waiving their right to privacy so the process could be transparent and stated she feels what has happened recently is disheartening.

Vice Chair Willich thanked the City Manager for his apology, and thanked the Chiefs for being at the meeting and expressed agreed with Commissioner Daniels.

Chair Nootz expressed agreement with her fellow Commissioners. She thanked HR Director Rubin, City Attorney Hesse and Chief Hard for helping support the Commission during the meeting.

8. Adjournment

7:59pm Vice Chair Willich motioned to adjourn, seconded by Commissioner O'Neill. Unanimously approved.

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 Chair. 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).

The Chair shall have the discretion to solicit comments from the public in the following order: (1) residents of the City, (2) business owners or operators in the City, (3) other organizations conducting operations in the City, and (4) residents, businesses or organizations from outside the City. The Chair may limit each person's comment period to not less than three (3) minutes.

- **Meeting Recording:** An audio and/or video recording of the meeting, or any portion thereof, may be purchased by contacting the City Clerk. 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 City meetings, please contact the City Clerk at least 24 hours in advance of the specific meeting you are planning on attending.