



Livingston City Commission Minutes

August 01, 2023

5:30 PM

City – County Complex, Community Room

<https://us02web.zoom.us/j/82096800053?pwd=Tm1zSnA5NjhjR3dOL0NjVWVjVXU2QT09>

Meeting ID: 820 9680 0053

Passcode: 971673

1. Call to Order

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

2. Roll Call

City Commission in attendance at start of meeting: Chair Nootz, Vice-Chair Kahle, Commissioner Friedman, Commissioner Schwarz, and Commissioner Lyons.

Staff in attendance: City Manager Grant Gager, Asst. Chief Wayne Hard, Planning Director Jennifer Severson, Interim City Attorney John Hesse

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)

- Leslie Feigel discussed how two hour parking downtown is hard for businesses and suggested an extended parking permit specifically for business owners that would allow them to park for three hours.
- Patricia Grabow rescinded letter that was given to commission. She talked about the Parks Reese painting on the Civic Center and repainting and fixing the Civic Center.
- Rick VanAken brought up the 5th St crossing is in bad shape and would like to see something done to fix it, realizing it may take the City reaching out to MRL to fix the crossing.

4. Consent Items

A. ACCEPT CITY COURT FINANCIAL REPORT FROM MAY AND JUNE 2023.

B. APPROVAL OF MINTUES FROM JULY 18, 2023, REGULAR MEETING.

C. RATIFY CLAIMS PAID 7/13/23-7/26/23

Motion to approve all consent agenda items was made by Vice Chair Kahle and seconded by Commissioner Friedman.

Motion to approve amended 7/18/23 Minutes to include Public Works Director Shannon Holmes and Park and Recreation Director Maggie Tarr was made by Chair Nootz and seconded by Vice Chair Kahle.

The amended motion passed unanimously by the five member present.

The motion for Consent Items A-C passed unanimously by the five members present.

5. Proclamations

6. Scheduled Public Comment

A. TBID UPDATE AND ANNUAL REPORT

B. DESTINATION MANAGEMENT ORGANIZATION UPDATE AND ANNUAL REPORT

Kris King explained the work flow for LBID, DMO and TBID and what parts of businesses they represent in Livingston. A new board member for TBID was presented. They are in the process of changing the fiscal year of TBID to match DMO and LBID for a more seamless workflow when presenting data and annual reports. What was presented in her packet is for the year 2023, but will somewhat coordinate with the current fiscal year budget.

Commissioners and the City Manager discussed work flow for feedback. Commissioners will reach out to the City Manager with their questions about the annual reports.

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

A. CONSIDERATION OF ORDINANCE 3043, AN ORDINANCE OF THE CITY OF LIVINGSTON, MONTANA, AMENDING CHAPTER 30 OF THE LIVINGSTON MUNICIPAL CODE ENTITLED ZONING BY ADDING NEW SECTION 30.47 ENTITLED PLANNED UNIT DEVELOPMENTS AND PROVIDING A REPEALER, SAVINGS, SEVERABILITY AND EFFECTIVE DATE.

The City Manager thought it would be good for the Commissioners to read a letter that came in from HRDC around 4pm. A break was suggested to give them time to review the four page letter.

6:01pm Commissioner Lyons motioned for a 5 minute break seconded by Commissioner Schwarz. Unanimously approved.

(Starts at Video Mark 39:22)

Chair Nootz called on the City Manager to introduce the item. The City Manager indicated this ordinance is a step toward implementation of the growth policy. The City Manager then called on the Planning Director the present this item in detail. She gave a little background on the overall process and how this PUD Ordinance got to where it is. Research was done over other communities and review of other ordinance to put this all together.

The Planning Director discussed the proposed density bonus for developers and other features of the PUD ordinance. The PUD intent encourages more efficient use of land and public services than traditional zoning allows. Public Benefits are described as affordable housing, reducing vehicular trips and increased open space. Application requirements and review criteria were reviewed. An example PUD proposal was presented to show the process.

Clarifying questions from the Commissioners included the notification process and affordability levels. Chair Nootz brought up the topic of wetlands and Commissioner Lyons inquired about project phasing and other items.

7:40pm Vice Chair Kahle motioned for a 10 minute break seconded by Commissioner Schwarz. Unanimously approved.

(Starts at Video Mark 2:09:45)

Public Comments were offered by:

- Katherine Daley with HRDC gave thanks for putting together this PUD ordinance. HRDC is working with a company called Boundary who would like to do some projects in Park County. Agrees with Commissioner Lyons to clear up objectives of this ordinance. Area median income is set by the Dept. of Housing in Urban Development annually, Park County publishes income limits and provide a summary and it set according to number of people in a household. Currently the median family income for a household of 4 in Park County is \$89,200. Would like Commission to consider condition of approval making sure housing is affordable and making sure owners or renters are meeting income limits.
- Leslie Feigel's comments were read by Katherine Daley. Would like Commission to look at SB3822. And she recommends minimum lot size of half acre. She stated a PUD map is missing.
- Patricia Grabow states has been advocating for PUD for 18 years. She is happy City has the staff they do now to put this into motion.

Deliberation started with Commissioner Lyons stating he'd would like to clear up the language around affordability and AMI. Chair Nootz would like to look at additional data to create and meet goals around affordable housing and how to get there through incentives. The Commission discussed human and wildlife contact in the R1 and R2 areas. The City Manager explained the application process further and Chair Nootz wants to make sure we are supporting the public. Interim City Attorney John Hesse indicated that from a legal standpoint to include specifics around wildlife that a developer will have to include. Chair Nootz would like people and roles more defined.

8:49pm Commissioner Schwarz motioned to extend the meeting seconded by Commissioner Lyons. Unanimously approved.

Planning Director Severson discussed commercial use and industrial use for this PUD ordinance as related to site plan review. The City Manager discussed monitoring units after development with the Commission. The Commission showed support for this ordinance, the good it has to offer, and is thankful to staff for putting it all together.

Chair Nootz moved to continue this item at the 9/5/23 City Commission Meeting and Commissioner Lyons seconded the motion. Unanimously approved.

B. CONSIDERATION OF ORDINANCE 3044: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LIVINGTON, MONTANA, AMENDING CHAPTER 28, SECTION X-A OF THE LIVINGSTON MUNICIPAL CODE ENTITLED SUBDIVISION REGULATION BY ELIMINATING THE FEE SCHEDULE AND PROVIDING THAT THE FEES WILL BE SET BY SEPARATE RESOLUTION OF THE CITY COMMISSION.

Chair Nootz called on the City Manager to introduce the item. The City Manager explained that is the City is moving toward a City wide fee Resolution that will be presented in a later meeting. In preparation for that the City is cleaning up City code where fees exist and move them to the fee Resolution. This ordinance is the first step in that process. No clarifying questions or comments came from the Commissioners. Public Comments was sought and none was offered.

Commissioner Lyons moved to approve the ordinance and Vice Chair Kahle seconded the motion. Unanimously approved.

9. Resolutions

A. RESOLUTION 5097: AUTHORIZING SUBMISSION OF MONTANA COAL ENDOWMENT PROGRAM APPLICATION

Chair Nootz called on the City Manager to introduce the item. The City Manager stated this Resolution is to improve the submission of an application to the Montana coal endowment program to partially support the funding of a preliminary engineering report related to utility improvements in the Northwest part of town, Green Acres subdivisions and the Sleeping Giant community. The City will partner with NeighborWorks and they will fund a portion of the project. This Resolution is a requirement for the grant application.

Commissioner Schwarz questioned what specifically this was addressing. The City Manager responded that the Sleeping Giant community and others in the area are currently on private wells.

Vice Chair Kahle moved to approve the resolution and Commissioner Schwarz seconded the motion. Unanimously approved.

10. Action Items

11. City Manager Comment

Includes attending the County Commission Meeting on 8/3 to include the Wellness Center on County ballot. Also will be holding a Special Commission meeting on 8/11 about the Wellness Center ballot.

12. City Commission Comments

Commissioner Lyons expressed thanks on the Growth Policy work. Commission Schwarz and Vice Chair Kahle gave thanks for everyone's hard work. Chair Nootz thanked staff and fellow commissioners for the Growth Policy work.

13. Adjournment

9:23pm Commissioner Friedman motioned to adjourn the meeting seconded by Vice Chair Kahle. 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.